

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Alabama [Mr. JARMAN] may extend his own remarks in the RECORD on two different matters and to include therein certain tables.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

#### SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. J. Res. 307. Joint resolution vesting the chairman of the Inaugural Committee with authority to determine the location of stands along the inaugural parade route; to the Committee on the District of Columbia.

#### SENATE JOINT RESOLUTION SIGNED

The SPEAKER pro tempore announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 302. Joint resolution authorizing the President to invite foreign countries to participate in the Pan American Cotton Congress.

#### BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Thursday, December 12, 1940, present to the President, for his approval, a bill of the House of the following title:

H. R. 658. An act for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little.

#### ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 53 minutes p. m.) the House, pursuant to its previous order, adjourned until Wednesday, December 18, 1940, at 12 o'clock noon.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KENNEDY of Maryland:

H. R. 10725. A bill to relieve disbursing officers, certifying officers, and payees in respect of certain payments made in contravention of appropriation restrictions regarding citizenship status; to the Committee on Claims.

By Mr. ROBINSON of Utah:

H. R. 10726. A bill appropriating to the State of Utah the sum of \$49,860.76, being 37½ percent of moneys received by the United States from the Independent Coal & Coke Co. for the wrongful taking of coal from land located in the State of Utah; to the Committee on the Judiciary.

By Mr. SCHIFFLER:

H. R. 10727. A bill authorizing the city of Wheeling, W. Va., to purchase and construct, maintain, and operate bridges across the Ohio River located wholly or partly within said city; to the Committee on Interstate and Foreign Commerce.

By Mr. HOFFMAN:

H. R. 10728. A bill to amend the act of May 19, 1916 (ch. 117, sec. 6, 39 Stat. 120), as amended August 29, 1916 (ch. 417, 39 Stat. 582); to the Committee on the Civil Service.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KENNEDY of Maryland:

H. R. 10729. A bill for the relief of Mattie E. Baumgarten; to the Committee on Claims.

H. R. 10730. A bill for the relief of Edgar H. Ingham; to the Committee on Claims.

H. R. 10731. A bill for the relief of J. H. Redding, Inc.; to the Committee on Claims.

H. R. 10732. A bill for the relief of Ervine J. Stenson; to the Committee on Claims.

H. R. 10733. A bill for the relief of Addie Myers; to the Committee on Claims.

By Mr. MACIEJEWSKI:

H. R. 10734. A bill for the relief of Anton Nemecek; to the Committee on Immigration and Naturalization.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9408. By Mr. ENGLEBRIGHT: Senate Joint Resolution No. 2, relative to purchases of woolen materials and products for national-defense program; to the Committee on Military Affairs.

9409. By Mr. KRAMER: Resolution of the California State Firemen's Association, urging the appropriation of sufficient funds for the United States Forestry Service so that the forests of the United States and the natural resources of the country may be protected and preserved; to the Committee on Agriculture.

9410. Also, resolution of the California State Firemen's Association urging the adoption of amendments to the present Federal laws making it mandatory to deport or expel any alien from the United States who does not avail himself of the right of citizenship within a specified time; to the Committee on Immigration and Naturalization.

9411. By Mr. STEARNS of New Hampshire: Petition of Rev. William M. Kittredge, of Antrim, N. H., and 42 others, urging all possible aid to Britain short of war; opposition to American intervention in the European and Asiatic wars; and the strengthening of our own defenses; to the Committee on Foreign Affairs.

9412. By the SPEAKER: Petition of the Daughters of American Colonists, Topeka, Kans., petitioning consideration of their resolution with reference to the Mary Ball, mother of Washington, resolution; to the Committee on the Post Office and Post Roads.

9413. Also, petition of the Vermont State Chamber of Commerce, Rutland, Vt., petitioning consideration of their resolution with reference to aid to Great Britain; to the Committee on Foreign Affairs.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, DECEMBER 18, 1940

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, Thou whose sacrificial love is always stooping to our needs, whisper to our hearts: "I am near." Bring to our remembrance the Christ that we may feed upon Him in our hearts by faith and thanksgiving; were it not for Him, the Old World would, indeed, be a vast asylum of despair. Oh, come, Holy One, and let us hear again the glad tidings of great joy. Let them sing in the hearts of children and the aged; let them permeate the cottages of the poor and the homes of the rich. We pray that Thy spirit of unselfish brotherhood may possess us, giving thought to those who need it, sympathy to those who crave it, praise to those who deserve it, and affection to those who are starving for it. Show us, blessed Lord, that the highest joy of life is in renouncing selfishness that we may help and save others. Oh, let the Star of Bethlehem light up the dark places in all lands; when once it ceases to shine, there will be a dull, black socket in the world's sky; have mercy, O Lord, forbid and remember us. In our Redeemer's name. Amen.

The Journal of the proceedings of Monday, December 16, 1940, was read and approved.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On November 25, 1940:

H. R. 9589. An act granting a pension to Frances Folsom Cleveland Preston.

On November 26, 1940:

H. R. 960. An act extending the classified executive civil service of the United States.

On November 29, 1940:

H. R. 4561. An act for the relief of Mrs. George C. Hamilton and Nanette Anderson; and

H. R. 10543. An act to make the excess-land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County Water Conservation District, Truckee storage project, Nevada, and the Pershing County Water Conservation District, Nevada.

On November 30, 1940:

H. R. 10465. An act to amend an act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918.

On December 16, 1940:

H. R. 658. An act for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9683. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., and for other purposes.

#### ANNOUNCEMENT

Mr. McCORMACK. Mr. Speaker, I do not want to interfere with the unanimous-consent requests at this time, but I serve notice now that if I think a quorum is not present I will make a point of order that a quorum is not present. But I will withhold that for short unanimous-consent requests.

#### EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I have two unanimous-consent requests: First, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an opinion of the Supreme Court of the United States in the Appalachian Power case.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

Mr. RICH. Mr. Speaker, reserving the right to object, the opinions of the Supreme Court are printed, are they not?

Mr. RANKIN. This is printed.

Mr. RICH. What is the idea of putting it in the RECORD?

Mr. RANKIN. Because it has a great deal of information in it that bears upon legislation which is constantly coming before the Congress.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the address that I made on Monday last may be printed in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. Cox]?

There was no objection.

[Mr. Cox addressed the House. His remarks appear in the Appendix of the RECORD.]

#### EXTENSION OF REMARKS

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by further including a statement as to the Communist connections of Mr. Weschler, and that I may also insert in the RECORD as a part of my remarks an article appearing in a recent issue of Mercury in which Mr. Weschler's connections with the Communist Party are shown and in which the PM is referred to as the uptown edition of the Daily Worker.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. Cox]?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. STEARNS of New Hampshire. Mr. Speaker, I ask unanimous consent to address the House today for 5 minutes at the conclusion of any special orders heretofore made.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire [Mr. STEARNS]?

There was no objection.

#### EXTENSION OF REMARKS

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include a telegram from the Pennsylvania American Legion.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. KUNKEL]?

There was no objection.

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include a speech delivered by Edwin C. Hill on the subject of our national parks.

The SPEAKER. Is there objection to the request of the gentleman from Utah [Mr. ROBINSON]?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include two communications on the Walsh-Healey Act.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. GEYER]?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOODRUFF]?

There was no objection.

[Mr. WOODRUFF of Michigan addressed the House. His remarks appear in the Appendix of the RECORD.]

#### EXTENSION OF REMARKS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in connection with the work of the Dies committee and include therein a short editorial.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I further ask unanimous consent to extend my remarks in the RECORD in connection with conditions in Finland, and to include therein a broadcast by Fulton Lewis and Minister Procopé.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.



Mr. CROWE asked and was given permission to extend his own remarks in the RECORD.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I expect to make and to insert therein a few newspaper articles.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### PETER DAVISOTTO

Mr. HART. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5336), for the relief of Peter Bavisotto, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 7, after "insurance", insert: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I understand this amendment simply adds the provision that no attorney can secure over 10 percent.

Mr. HART. The gentleman is correct.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### NATIONAL DEFENSE NEEDS PROCUREMENT

Mr. TABER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, last Thursday I called attention to the ridiculous situation that exists with reference to the national-defense program, to the fact that Mr. Knudsen and Mr. Stettinius, two of the foremost business executives in America, were simply here in Washington as an Advisory Commission, without power. In my opinion, after a very careful study of the situation which my position on the Appropriations Committee has given me opportunity to make, I am satisfied that the defense procurement lags are largely due to the fact that these gentlemen have no power.

I have today introduced a bill designed to correct that situation and to create the position of Director of National Defense Procurement, with proper assistants to enable the President, if he will cooperate in straightening out our national-defense program, to have an opportunity to do the job. It is a crying need and I hope that this bill will receive the favorable consideration of the Military Affairs Committee, to which it has been referred. [Applause.]

#### NATCHEZ TRACE PARKWAY

Mr. FORD of Mississippi. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10712) to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, has this bill been before the appropriate committee?

Mr. FORD of Mississippi. It has. I am advised by the gentleman from Utah [Mr. ROBINSON], the chairman of the Committee on the Public Lands that it was reported out yesterday but has not been placed upon the calendar.

Mr. MARTIN of Massachusetts. What is the particular urgency for considering the bill at this time?

Mr. FORD of Mississippi. The only reason I can assign for it is that they want to construct a post-office building on one of the easements that was granted to the State of Mississippi and turned over to the Federal Government.

Mr. MARTIN of Massachusetts. What does this bill provide?

Mr. FORD of Mississippi. It simply gives the Secretary of the Interior the authority to convey back to a private person the authority to construct a building on an easement that was granted the Federal Government to right-of-way for the Natchez Trace Parkway.

Mr. MARTIN of Massachusetts. It gives the Government the right to cede land back to a private individual?

Mr. FORD of Mississippi. Not to cede the land back, but to give him the right to construct a building for a post office on the right-of-way to the parkway that has already been built.

Mr. MARTIN of Massachusetts. Has this bill been approved by the Department?

Mr. FORD of Mississippi. It has; and I have here a report from the Department.

Mr. RICH. Reserving the right to object, inasmuch as we have been unable to hear the gentleman's explanation, we would like to know what they are going to do with the Natchez Trace Parkway.

Mr. FORD of Mississippi. They are not going to do anything except give the Secretary of the Interior the right to convey back to a private individual the authority to construct a building suitable for post-office purposes in a little village down in Mississippi.

Mr. RICH. On the right-of-way?

Mr. FORD of Mississippi. On an easement; not the right-of-way itself, but on a scenic easement that has been granted to the Government.

Mr. RICH. Is it permissible for the Secretary to do that at any place he chooses on the parkway?

Mr. FORD of Mississippi. Not unless the Congress grants him such authority.

Mr. RICH. The Congress must pass on each point, then. What is the object of granting the Secretary of the Interior permission to grant this authority?

Mr. FORD of Mississippi. The purpose of it is to permit a person who conveyed an easement to the State of Mississippi, which in turn conveyed it to the Federal Government, to build a structure suitable for post-office purposes on this easement of the Natchez Trace, which runs through a little village in Mississippi.

Mr. RICH. The village is in the parkway?

Mr. FORD of Mississippi. That is right.

Mr. RICH. I have understood all along that on this parkway they were going to secure the ground within 800 feet.

Mr. FORD of Mississippi. That is correct.

Mr. RICH. Is this village within the 800-foot limit?

Mr. FORD of Mississippi. Yes.

Mr. RICH. Then they do not intend to take over the 800 feet in Mississippi?

Mr. FORD of Mississippi. No.

Mr. RICH. Is this customary along the Natchez Trace from the beginning to the end?

Mr. FORD of Mississippi. I doubt if there will be another instance comparable to this one.

Mr. RICH. What is the object of granting permission to have this community live within the boundaries of the Natchez Trace Parkway, and not any other?

Mr. FORD of Mississippi. The Natchez Trace Parkway runs right through this village.

Mr. RICH. Will the presence of the village in any way hinder maintaining the width of the roadway?

Mr. FORD of Mississippi. It will not.

Mr. RICH. And the Secretary of the Interior believes that this is the wise thing to do?

Mr. FORD of Mississippi. That is right.

Mr. MICHENER. Mr. Speaker, reserving the right to object, as I understand the situation from the gentleman from

Mississippi, this highway is wide and goes through this village. A post office is to be constructed in the town, but it cannot be constructed near the highway or in the most desirable place unless this easement is released and this bill passed.

Mr. FORD of Mississippi. That is correct.

Mr. MICHENER. That is all the bill does, and it is for the good of the folks down there and will not in any way interfere with the highway.

Mr. FORD of Mississippi. The gentleman from Michigan has correctly analyzed the situation.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior, in his discretion, is hereby authorized to relinquish or modify certain restrictions upon the use of privately owned lands in the village of French Camp along the Natchez Trace Parkway, which restrictions have been imposed thereon by the scenic easement deed dated May 19, 1938, which is recorded in book 24, pages 333-336, of the Record of Deeds in the office of the clerk of the chancery court of Choctaw County, Miss., said lands being situated in section 31, township 17 north, range 9 east, Choctaw County, Miss.

Sec. 2. The Secretary of the Interior is authorized to execute such instruments of conveyance as may be necessary for the purposes of this act. The cost of recording such instruments shall be paid out of any funds available for the Natchez Trace Parkway.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. KELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a release from the Library of Congress made today.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### MINE INSPECTION BILL

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, the most recent disaster in the bituminous-coal fields of West Virginia calls attention once again to the pending legislation to bring about greater safety and better health for the miners of this country.

A petition now on the Speaker's desk, if signed by a sufficient number of the Members, would bring this desirable bill to the floor of the House. The measure was passed by the Senate unanimously and continues to pend on Capitol Hill, while some 1,700 men have lost their lives, augmented by another accident in the last few hours in which 7 died and many were injured.

I trust Members on both sides of the aisle will give careful consideration to aiding ultimate passage of the measure. The gentleman from West Virginia, the Honorable JOE L. SMITH, chairman of the House Committee on Mines and Mining, has again attempted to get a quorum that another vote in that group could be taken on bringing the measure to the floor. Failure marked these efforts this morning, but another attempt will be made tomorrow.

[Here the gavel fell.]

#### PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that after the legislative business of the day has been disposed of and following those who have special orders, I may be permitted to address the visiting Members of the House prior to adjournment for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### MINE INSPECTION BILL

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ENGEL. Mr. Speaker, I am one of those who signed the petition to discharge the committee from the consideration of the mine inspection bill, and my name still appears on the petition. I read the story of the disaster in West Virginia and the comment on it made by the Member of the other body who is the Governor-elect of West Virginia. The thought occurred to me, just why West Virginia has done nothing about proper inspection of these coal mines; just why is it that these mines are not being properly inspected, and why the same laws could not be passed in West Virginia giving the same kind of inspection that the gentleman is asking for in the bill that is in the committee.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield.

Mr. RANDOLPH. Of course, the gentleman knows that these disastrous accidents have occurred in Kentucky, Ohio, West Virginia, and in many other States, and I feel that this proposed legislation would not be in opposition to the State mine-inspection programs that we now have but would simply be an aid in improving mining conditions. This is a most hazardous occupation. Let us throw every safeguard around those men who go beneath the earth to earn their livelihood.

[Here the gavel fell.]

#### PERMISSION TO ADDRESS THE HOUSE

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes today at the conclusion of the other special orders.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

#### AMENDMENT OF THE NEUTRALITY AND JOHNSON ACTS

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GIFFORD. Mr. Speaker, the newspapers quote the President this morning: "The silly dollar sign!" This smacks of continued New Deal economics. I would like to give notice that I feel very favorably toward any modification of the Johnson Act or the Neutrality Act in order to extend all possible aid to Great Britain, but I want to express myself forcefully against any tricky methods to avoid direct action by Congress. Do not the people of the Nation trust their Congress any longer? Was the idea of "mortgage and lease," "the silly dollar sign," and "payment in kind" given its birth in the Caribbean Seas? How wonderful to hatch ideas to evade the Congress. We may well ask ourselves, "Are we still the Representatives of the people?" The answer ought to be—"Yes, very still."

Mr. BLOOM. Mr. Speaker, will the gentleman yield there?

Mr. GIFFORD. Yes.

Mr. BLOOM. Is it not a fact that the President specifically stated that any proposition made, whether it is a loan or lease, would have to be acted upon by the Congress?

Mr. GIFFORD. It did not read like that this morning.

Mr. BLOOM. That is what he said yesterday.

Mr. GIFFORD. I hope it may be true, but actions of the recent past belie this hope or expectation.

[Here the gavel fell.]

Mr. KELLAR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. KELLER addressed the House. His remarks appear in the Appendix of the RECORD.]

#### EXTENSION OF REMARKS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and insert an article on war debts and also statistics from the Federal Reserve bank and other sources on the same subject.



The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent Mr. FISH was granted permission to extend his own remarks in the RECORD.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial from the December issue of the National Legionnaire, entitled "Let Us Arm for America."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein two letters sent by the Civil Service Commission asking how many people will be blanketed in under the recent law.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### CALL OF THE HOUSE

Mr. McCORMACK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-nine Members are present; not a quorum.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

#### [Roll No. 237]

Allen, Ill.	Ferguson	Kramer	Rogers, Okla.
Allen, La.	Fernandez	Lambertson	Ryan
Allen, Pa.	Folger	Landis	Sacks
Angell	Fries	Larrabee	Schaefer, Ill.
Bell	Gartner	Lea	Schaefer, Wis.
Boren	Gathings	Leavy	Schiffner
Boykin	Gibbs	LeCompte	Schulte
Bradley, Mich.	Gilchrist	Lewis, Ohio	Scrugham
Buckler, Minn.	Gillie	McAndrews	Shafer, Mich.
Burney	Green	McLeod	Sheppard
Byrns, Tenn.	Gregory	Mansfield	Short
Caldwell	Gross	Marshall	South
Cannon, Fla.	Hancock	Martin, Iowa	Starnes, Ala.
Cannon, Mo.	Harness	May	Steagall
Carlson	Harter, N. Y.	Millis, Ark.	Stefan
Cartwright	Harter, Ohio	Millis, La.	Sweeney
Casey, Mass.	Hawks	Mitchell	Sweet
Celler	Hendricks	Monroney	Taylor
Chapman	Horton	Mott	Thill
Chipherfield	Hull	Mouton	Thomas, N. J.
Clevenger	Jarman	Murdock, Ariz.	Thomason
Cluett	Jarrett	Murdock, Utah	Thorkelson
Coffee, Nebr.	Jeffries	Murray	Tinkham
Corbett	Jenkins, Ohio	Nelson	Treadway
Costello	Jennings	Nichols	Vinson, Ga.
Courtney	Jensen	Norton	Welch
Darden, Va.	Johnson, Ind.	O'Day	West
Darrow	Johnson, Okla.	O'Neal	White, Idaho
DeRoven	Johnson, Luther A.	Pace	Williams, Del.
Dickstein	Kee	Patton	Williams, Mo.
Dies	Kefauver	Peterson, Fla.	Winter
Dondero	Kennedy, Md.	Peterson, Ga.	Wood
Doughton	Kilday	Poage	Zimmerman
Dworshak	Kitchens	Ramspeck	
Edmiston	Kleberg	Reed, Ill.	
Ellis	Knutson	Reed, N. Y.	

The SPEAKER. On this roll call 288 Members have answered to their names. A quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

#### WALTER-LOGAN BILL—VETO MESSAGE

The SPEAKER laid before the House the following veto message from the President of the United States, which was read by the Clerk:

#### To the House of Representatives:

I herewith return, but without my approval, the bill (H. R. 6324) entitled "An act to provide for the expeditious settlement of disputes with the United States, and for other purposes."

The objective of the bill is professedly the assurance of fairness in administrative proceedings. With that objective there will be universal agreement. The promotion of expeditious, orderly, and sensible procedure in the conduct of public affairs is a purpose which commends itself not only

to the Congress and the courts but to the executive departments and administrative agencies themselves.

Despite the tremendous growth in the business of administration in recent years, I have observed that there has been a substantial improvement in the standards of administrative action. That does not mean that further improvement is not needed.

I am convinced, however, that in reality the effect of this bill would be to reverse and, to a large extent, cancel one of the most significant and useful trends of the twentieth century in legal administration.

That movement has its origin in the recognition even by courts themselves that the conventional processes of the courts are not adapted to handling controversies in the mass. Court procedure is adapted to the intensive investigation of individual controversies. But it is impossible to subject the daily routine of fact-finding in many of our agencies to court procedure. Litigation has become costly beyond the ability of the average person to bear. Its technical rules of procedure are often traps for the unwary and technical rules of evidence often prevent common-sense determinations on information which would be regarded as adequate for any business decision. The increasing cost of competent legal advice and the necessity of relying upon lawyers to conduct court proceedings have made all laymen and most lawyers recognize the inappropriateness of entrusting routine processes of government to the outcome of never-ending lawsuits.

The administrative tribunal or agency has been evolved in order to handle controversies arising under particular statutes. It is characteristic of these tribunals that simple and nontechnical hearings take the place of court trials, and informal proceedings supersede rigid and formal pleadings and processes. A common-sense resort to usual and practical sources of information takes the place of archaic and technical application of rules of evidence, and an informed and expert tribunal renders its decisions with an eye that looks forward to results rather than backward to precedent and to the leading case.

Substantial justice remains a higher aim for our civilization than technical legalism.

The administrative tribunal is not a recent innovation. The Interstate Commerce Commission, one of the first of the kind, was created as long ago as 1886. The administrative process and the administrative tribunal were firmly recognized by the courts many years ago. Before the commencement of this administration, the Supreme Court, speaking through the present Chief Justice, definitely recognized the usefulness and constitutionality of the administrative tribunal and, speaking of a statute to create such a tribunal, referred to "the obvious purpose of the legislation to furnish a prompt, continuous, expert, and inexpensive method for dealing with a class of questions of fact which are peculiarly suited to examination and determination by an administrative agency specially assigned to that task."

Forward-looking judges, experienced administrators, and many progressive and public-spirited lawyers have recognized that American jurisprudence must advance along two lines:

First, the cheapening, expediting, and simplifying of the judicial process itself. This cause has been greatly advanced through the adoption by the Supreme Court of simplified rules governing civil proceedings under an authorization made upon my recommendation. Revision of the rules of criminal practice has now also been authorized upon my recommendation.

Secondly, the reservation of the judicial process for cases appropriate to its exercise and protection of the courts from being overwhelmed with masses of controversies growing out of regulatory and remedial statutes. For this purpose, the judicial process requires to be supplemented by the administrative tribunal wherever there is a necessity for deciding issues on a quantity-production basis.

Notwithstanding recognition of this necessity by many lawyers, jurists, educators, administrators, and the more progressive bar associations, a large part of the legal profession has never reconciled itself to the existence of the administrative tribunal. Many of them prefer the stately ritual

of the courts, in which lawyers play all the speaking parts, to the simple procedure of administrative hearings which a client can understand and even participate in. Many of the lawyers prefer that decision be influenced by a shrewd play upon technical rules of evidence in which the lawyers are the only experts, although they always disagree. Many of the lawyers still prefer to distinguish precedent and to juggle leading cases rather than to get down to the merits of the efforts in which their clients are engaged. For years such lawyers have led a persistent fight against the administrative tribunal.

In addition to the lawyers who see the administrative tribunal encroaching upon their exclusive prerogatives, there are powerful interests which are opposed to reforms that can only be made effective through the use of the administrative tribunal. Wherever a continuing series of controversies exist between a powerful and concentrated interest on one side and a diversified mass of individuals, each of whose separate interests may be small, on the other side, the only means of obtaining equality before the law has been to place the controversy in an administrative tribunal. Individual shippers could not cope in the courts with great railroad corporations over excessive charges that were small in single cases but important in the aggregate. So the Interstate Commerce Commission was created. Power consumers could not deal with electric rates, nor could individual security holders pit their strength against the concentrated power of brokerage interests, nor could individual laborers bargain on equality with the concentrated power of employers. The very heart of modern reform administration is the administrative tribunal. A "truth in securities" act without an administrative tribunal to enforce it, or a labor-relations act without an administrative tribunal to administer it, or rate regulation without a commission to supervise rates would be sterile and useless. Great interests, therefore, which desire to escape regulation rightly see that if they can strike at the heart of modern reform by sterilizing the administrative tribunal which administers them they will have effectively destroyed the reform itself.

The bill that is now before me is one of the repeated efforts by a combination of lawyers who desire to have all processes of government conducted through lawsuits and of interests which desire to escape regulation. The effort was made in the recent New York constitutional convention by this same combination of influences to deprive State tribunals of their authority. That effort was wisely rejected by the people at the polls. The effort was continued on a national scale to destroy the administrative tribunals which enforce the Nation's important laws. It is from this background that this bill has emerged.

While I could not conscientiously approve any bill which would turn the clock backward and place the entire functioning of the Government at the mercy of never-ending lawsuits and subject all administrative acts and processes to the control of the judiciary, I am, of course, not unaware that improvement in the administrative process is as much the duty of those concerned with it as the improvement of court procedure ought to be a duty of the legal profession.

Recognizing this, more than a year ago I directed the Attorney General to select a committee of eminent lawyers, jurists, scholars, and administrators to review the entire administrative process in the various departments of the executive government and to recommend improvements, including the suggestion of any needed legislation. For over a year such a committee has been taking up in detail each of the several typical administrative agencies and has been holding prolonged sessions, hearings, inquiries, and discussions. Its task has proved unexpectedly complex. The objective of this committee, however, is not to hamper administrative tribunals but to suggest improvements to make the process more workable and more just, and to avoid confusions and uncertainties and litigations. I should desire to await their report and recommendations before approving any measure in this complicated field. In this thought I believe most Americans will agree. The report and recommendations will be transmitted to the Congress in a few weeks.

Meanwhile, without substantial congressional hearings to consider the problems of the executive departments affected,

this bill has been passed and sent to me. This bill has been unanimously condemned by the committee on administrative law and by the committee on Federal legislation of one of the oldest and most respected bar associations of America, the Association of the Bar of the City of New York, which, while recognizing the need of improvement in the administrative process, have said:

Nevertheless, we think that the present bill, under the guise of reform, would force administrative and departmental agencies having a wide variety of functions into a single mold which is so rigid, so needlessly interfering, as to bring about a widespread crippling of the administrative process.

Agencies affected, including many whose activities have an important collateral effect on the defense program have pointed out serious delays and uncertainties which would be caused by the present bill, if enacted.

It appears from the text of the bill that the Congress considered the procedures and the delays incident to the procedures provided by the act inappropriate to agencies engaged in national-defense functions. It is doubtless due to oversight that important functions performed by the Maritime Commission, the Department of Commerce, and the Treasury are affected by the bill. Functions as important to our economic defense as foreign funds control in the Treasury, where general regulations must be made with utmost promptness, would be subjected to delay for hearing and notice of hearing in advance.

Quite apart from the general philosophy of this bill, its unintentional inclusion of defense functions would require my disapproval at this time.

At my request an analysis of the bill has been prepared by the Attorney General and is submitted herewith for the information of the Congress. Apart from a disagreement with the general philosophy of legal rigidity manifest in some provisions of the bill, I am convinced that it would produce the utmost chaos and paralysis in the administration of the Government at this critical time. I am convinced that it is an invitation to endless and innumerable controversies at a moment when we can least afford to spend either governmental or private effort in the luxury of litigation.

Today in sustaining American ideals of justice, an ounce of action is worth more than a pound of argument.

For these reasons I return the bill without my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, December 18, 1940.

The SPEAKER. Without objection, the Clerk will read the accompanying report from the Attorney General.

There being no objection, the Clerk read the report referred to, as follows:

OFFICE OF THE ATTORNEY GENERAL,  
Washington, December 11, 1940.

THE PRESIDENT,  
The White House.

MY DEAR MR. PRESIDENT: In accordance with your request for analysis of the administrative agencies bill (H. R. 6324), now before you, I omit many objections urged by the agencies affected to point out only its major innovations and their consequences.

#### I. EFFECT ON THE NATIONAL-DEFENSE PROGRAM

The bill evidences on its face, and its legislative history shows, that Congress recognized its provisions to be inappropriate if applied to agencies engaged in the defense program. Since the effect of the bill is to delay decisions and rulings pending hearings and to subject them to judicial review its effect on defense activities wherever they are subject to it would be an increased delay and uncertainty.

In recognition of this the bill excepts "the military or naval establishments including the Council of National Defense and the Advisory Commission thereto the Priorities Board and any other agency or authority hereafter created to expedite military and naval defense." Its evident purpose to protect the national defense, however, fails because the fact was overlooked that agencies not excepted by name and not a part of the military or naval establishments and not "hereafter created" perform some of our most important defense functions and they would be severely handicapped were the bill to become law.

For example the Maritime Commission is not exempt. The Maritime Commission has important defense functions. Almost every phase of its activities under the Merchant Marine Act of 1936 is of primary concern to the defense effort—the building of merchant ships capable of serving as naval and military auxiliaries the determination of essential routes for maintaining the flow of foreign commerce the transportation of strategic and critical material and



the training of an efficient citizen personnel to man the vessels of the merchant marine. It makes general regulations relating to construction and operating differentials and pertaining to the service and in event of national emergency or war it has the power to requisition vessels. All of these would be exercised subject to the provisions of this act if it becomes law.

The Department of Commerce is included in this bill. It too has important functions affecting national defense. The ability in an emergency immediately and without notice or public hearing, to issue and to amend regulations, has been a most effective means of providing for the enforcement of the various neutrality acts. For example, it was possible, within a few hours after the issuance by the President of proclamations making the provisions of the Neutrality Act of 1939 effective, to issue regulations governing the clearance of vessels, so as to prevent violations of that act which might otherwise have occurred.

The Administrator of Civil Aeronautics administers the Civilian Pilot Training Act program for the purpose of providing in the interest of national defense a reservoir of trained pilots to be available for the use of the armed forces of the United States. Obviously, the Administrator should be permitted to issue the necessary rules and regulations without notice, followed by protracted hearings. Otherwise, an important feature of national preparedness would be unconscionably delayed.

The Treasury Department is included in the bill, although the legislation excepts the Comptroller of the Currency, Internal Revenue, Customs, and personnel sections of the Treasury. This leaves the bill as covering clearly the fiscal and financing operations and the procurement and purchasing functions of the Treasury Department. Whether it covers the Coast Guard, or whether the latter may be considered exempt as a part of the Military or Naval Establishment is uncertain.

The Treasury performs vital defense functions—particularly vital in economic defense. They would be subjected to the time-consuming procedures of this bill.

One such function is the foreign funds control. Orders have been issued freezing control of foreign funds in this country from the areas overrun by aggressor armies, such as Denmark, Norway, Belgium, Holland, Luxembourg, France, Latvia, Lithuania, Estonia, and Rumania. Such controls to be successful must be applied immediately and without notice. In connection with foreign funds control many licenses must issue, many rulings and decisions must be made. In the first 6 months of foreign funds control more than 80,000 applications for licenses were filed and passed on by the Treasury Department. About 8,000 have been denied. To put this volume of decisions through the procedures provided by this bill would be dilatory, costly, and disruptive of the whole plan of control.

In its financing activities the Treasury issues many regulations with respect to such subjects as bonds and notes, interim certificates, sale and issue of Treasury bills, and offering of savings bonds. The success of Treasury financial operations often depends on secrecy and timing. The hearings requirements of the pending bill would inform speculators in advance of information which every administration in the history of the country has believed should be zealously guarded.

Nor is it clear why the procurement activities of the Treasury should be subject to the bill, while those of the Army and Navy are excepted. By the Strategic Materials Act of 1939 the Treasury is charged with the purchase, storage, maintenance, and rotation of strategic and critical materials essential to the national defense. Millions have been appropriated for the purpose.

Equally important is the defense housing equipment purchasing program which the Procurement Division has undertaken under the recent Defense Housing Act of 1940.

The requirements of this bill are expressed with such generality that any dependable and complete catalog of its effects on the national defense could only be compiled after experience. Its tendency in the direction of delay, uncertainty, and litigation will appear from an examination of its provisions.

## II. JUDICIAL ADVICE AS TO VALIDITY OF ADMINISTRATIVE RULES

With a purpose, no doubt, of preventing administrative agencies from magnifying their powers through promulgation of rules, section 3 of the bill conveys a sweeping grant of jurisdiction to the United States Court of Appeals for the District of Columbia, "upon petition filed by any person substantially interested in the effects of any administrative rule . . . to hear and determine whether any such rule . . . is in conflict with the Constitution of the United States or the statute under which issued."

The vice of this innocent-looking provision is that it opens the door to abstract litigation over the validity of administrative rules, and thereby throws overboard the most time-honored and universally accepted of all principles governing judicial review in the Federal courts; the principle that those courts sit only to decide actual litigations and not to weigh abstract legal questions. President Washington, you will recall, sought the help of an advisory opinion from the Supreme Court as to a legal problem that perplexed him. It was refused, and that court has since adhered to the principle that it will decide only law questions when they arise in concrete litigations coming within the legal concept of a "case" or a "controversy."

This bill must be interpreted as expanding that power or it has no effect whatever. Under the Declaratory Judgments Act of 1934 any person may now obtain a judgment as to the validity of such administrative rules, if he can show such an interest and present injury therefrom as to constitute a "case or controversy." This bill removes that limitation, or it does nothing.

Moreover, in authorizing a new kind of litigation, this bill weights the scales so that the Government does not stand on an equal footing with a corporation or individual contesting its rules. If the Government loses, the bill provides "the rule thereafter shall not have any force or effect." But if the Government wins, its victory is not similarly final. The bill provides that "nothing contained in this section shall prevent the determination of the validity or invalidity of any rule which may be involved in any suit or review of an administrative decision or order in any court of the United States as now or hereafter authorized by law." [Italics supplied.] In other words, the private litigant, if he loses in the Court of Appeals for the District of Columbia, may simply wait until the rule is involved in a decision of the agency and then, in some other court, litigate the same question over again.

In short, any person or corporation displeased by an administrative rule has everything to gain and nothing to lose by taking the matter to the court of appeals even before he knows whether or how the rule will affect him in operation. In fact, there is nothing in the bill to prevent a succession of litigations by different individuals about the same rule. The bill puts new and advantageous weapons in the hands of those whose animus is strong enough and whose purse is long enough to wage unrestricted warfare on the administration of the laws. The effect on the functions of the court of appeals, which already carries a full burden of duties, may well be serious.

The provision purporting to give the Supreme Court jurisdiction to review advisory decisions of the District Court of Appeals, is, in view of the constitutional definition of Supreme Court jurisdiction, of very doubtful validity. The first act of Congress ever held to be unconstitutional was one in which the attempt was made to give the Supreme Court jurisdiction in excess of the constitutional provision. Repeated expressions in judicial opinion of a determination to avoid assuming the functions of the political branches of the Government, such as administrative rule making, leaves little doubt that legislation designed to bring new and strange burdens to the courts will have as little support among responsible judicial officers as it has among responsible administrative officials.

## III. UNIFORM PROCEDURES IN DIVERSE AGENCIES

The bill proposes to prevent errors and abuses in procedure by setting up a uniform procedure for all agencies. Until now it has been the policy of the Congress to set up in the organic act creating a new agency at least a rough outline of procedures suitable to its distinctive functions.

This bill, however, lays down a series of blanket requirements for the promulgation of rules and the conduct of hearings by administrative agencies and for judicial review of their action. In doing so it amends literally hundreds of statutes. Just what statutes are amended or repealed is not stated, but left to the always debatable implication. It alters drastically the operations of innumerable agencies in innumerable ways. I use the term "innumerable" deliberately, because, while the bill names some agencies excepted, it nowhere names those to which it would apply but covers them only by general description.

The principles that governed what should be included and what excepted are not discernible. Thus, the Federal Trade Commission, the National Mediation Board, and the Railroad Adjustment Board are exempted, while agencies now operating under essentially similar statutory procedures, such as the Securities and Exchange Commission and the National Labor Relations Board, are presumably blanketed in. Cases involving the denial of a loan are exempted; but the denial of a grant-in-aid is presumably blanketed in. The Federal Reserve Board, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation are exempted; but the Secretary of the Treasury is presumably blanketed in. The Department of Justice is out; the Department of Commerce is in. These are simply a few obvious instances.

This bill abandons all account of underlying diversities and imposes the same procedures upon agencies as different in structure and function as the Veterans' Administration, the Bureau of Reclamation, the Pure Food and Drug Administration, and the Office of Education. It is as if we should average the sizes of all men's feet and then buy shoes of only that one size for the Army.

The Attorney General's Committee on Administrative Procedure, appointed at your direction and consisting of eminent judges, lawyers, and scholars, has been examining administrative procedures in detail in typical agencies, both through a staff of investigators and through hearing the officials themselves. While it has not addressed itself to a consideration of this bill, its interim report indicates a unanimous doubt as to the feasibility of uniform and rigid procedures. The Committee says:

"The Committee's inquiries have made it apprehensive that a too rigid prescription of administrative procedures would, by substituting artificial uniformity for essential variety, abolish many procedures which now fully satisfy the convenience and protect the welfare of great numbers of citizens and would defeat the substantive purposes of many congressional enactments."

It is not practicable to follow all possible consequences of a bill so unexampled in range and so replete with uncertainties of meaning.

## IV. EFFECT ON ADMINISTRATIVE RULE MAKING

Section 2 provides that "Hereafter administrative rules and all amendments or modifications or supplements of existing rules implementing or filling in the details of any statute affecting the rights of persons or property" shall be issued only after publication of notice and public hearings.

1. No exception is made as to rules designed to cope with threatened public disaster or other emergency. Necessity for such emergency rules is recognized, and they are excepted from the requirement that rules shall not take effect until publication in the Federal Register; but this exception, incomprehensibly, is not made applicable to the requirement of notice and public hearing. You are thus presented with a bill which would make it illegal to issue regulations for quarantine in an epidemic in Federal territory or the control of forest fires raging on the public domain unless there were public hearings in advance.

2. Rules under future statutes are to be issued "within 1 year after the date of the enactment of the statute, subject to the adoption thereafter of further rules from time to time, as provided in this act." It is difficult to find in this provision anything but a self-contradiction. Literally, it requires all rules to be issued within a year, except that more rules may be issued after a year. If it is intended to say that all basic rules must be issued within a year, subject to amendments after a year, no end of litigation would be created in determining what are amendments. May a rule issued within a year be repealed and a contrary rule thereafter be issued as a "further rule"? Would the latter rule be invalid if there had been no prior contrary rule? These are questions which would require much temerity and more litigation to answer.

3. Rules now in existence (other than those in effect over 3 years) must, under the bill, be reconsidered after a public hearing if, within a year after the bill becomes a law, "any person substantially interested in the effects" of the rule so requests. No matter how satisfactory a rule may be to the mass of those affected, or whether it may have been approved by court decision, or whether the Congress, with knowledge of the rule, may have reenacted the statute and thus given it the force of law, the time and energy of agencies must be devoted to reconsidering rules which represent cumulative experience of years. No discretion is granted to any administrative authority to refuse any hearing duly requested. Hence there is apparently no limit to the number of successive hearings which different persons or corporations may demand with respect to the same rule.

#### V. HEARING PROCEDURE

One of the objectives of this bill is, no doubt, to meet the oft-repeated charge of arbitrary action by the heads of administrative agencies in making decisions affecting particular individuals.

For this purpose the bill, section 4, prescribes new internal procedures. It divides all governmental agencies into two classes: single-headed ones and multiple-headed ones. It requires all multiple-headed agencies to conduct hearings before a single trial examiner, and all single-headed agencies to conduct hearings before a triple-headed hearing board. Both the distinction and the requirement seem somewhat artificial. But passing its artificiality and the difficulty of classifying some agencies in respect to it, the question arises whether, if there is need for curbing arbitrary action, this bill provides either a suitable or an effective remedy.

The head of a single-headed administrative agency would be required to name a new "intra-agency board" of three members, at least one of whom must be a lawyer, and "any person" who "is aggrieved by a decision of any officer or employee of any agency" may demand a hearing before such board.

It may well be questioned whether an agency head who is so arbitrary as to require curbing will name so fair and so courageous a group of his subordinates as will apply the needed curb.

However, the bill provides that the decision of the board "shall be subject to the written approval, disapproval, or modification of the head of the agency concerned or of such person as he shall designate in writing to act for him." In other words, the decision of the "intra-agency board" shall control him if he wants to be controlled by it. I am puzzled to know just what purpose this elaborate and litigious procedure before the board amounts to, if the head of the agency or anyone he designates may approve, disapprove, or modify its decision.

Moreover, a long-continued policy of Congress has jealously confined the power of final decision in matters of substantial importance to a few principal administrative officers, generally Presidential appointees confirmed by the Senate. This bill does away with those safeguards, and while it provides for hearing and decision by a new "intra-agency board," it also authorizes the head of the agency to delegate to anybody the right to approve, disapprove, or modify. This would disperse final responsibility.

The bill apparently also requires a decision of a trial examiner unfavorable to an independent agency to stand, however inconsistent with the interpretation of the law in other cases. The independent agency seems not to have been thought of as an "aggrieved party," for in order to bring itself within the language of the bill, it would be obliged to file objections with itself "by registered mail." The only alternative to this construction of the bill would be a construction which permitted the agency to change the decision of the trial examiner without further hearing, and to the surprise of the newly aggrieved party.

#### VI. JUDICIAL REVIEW

The bill provides that any party to an administrative proceeding who is aggrieved by the final decision of the agency may secure review in a circuit court of appeals or the Court of Appeals for the District of Columbia. Already under existing statutes specific decisions affecting the rights of individuals are made subject to judicial review. This act, however, does not confine review to the specific matters heretofore allowed but sweeps into the judicial hopper all manner of questions which have never before been considered appropriate for judicial review.

For example, such matters as the awarding of contracts, the acceptance or rejection of supplies, the granting or withholding of compensation or hospitalization from a veteran, fraud orders of the Post Office Department, the granting or withholding of a license for a vessel or of a master's or mate's ticket, the determination of claims for benefits under the Social Security Act are a few examples, taken at random, of governmental actions of an executive or administrative nature which may become subject to judicial review were this bill to become law, but which have never been regarded as so reviewable. The ultimate consequences would be not only to swamp the courts with a flood of minor administrative matters but to retard and hamper the work of the executive branch of the Government. The discretion which must be exercised in performance of executive duties would, to a considerable extent, be transferred to the courts.

#### CONCLUSION

There is no reason to doubt that administrative procedures, as well as court procedures, can be substantially improved. There is no doubt that instances of arbitrary action, of excessive zeal, and of incompetence can be cited in administrative agencies, as they can in all branches of government. None should be more anxious to see these tribunals become better instruments for the attainment of justice than those who realize their indispensability in accomplishing the chief reforms of our century and their necessity to supplement the courts where the volume of business makes the conventional court process too slow, expensive, and technical.

If this bill has this objective, I cannot believe that it accomplishes it. I find myself in substantial agreement with the conclusion of the committees of the Association of the Bar of the City of New York, which have studied this bill and which find the need for improvement in administrative procedures urgent, but say:

"Nevertheless, we think that the present bill, under the guise of reform, would force administrative and departmental agencies having a wide variety of functions into a single mold which is so rigid, so needlessly interfering, as to bring about a widespread crippling of the administrative process."

This letter is wholly devoted to criticism of the present bill and advances no alternatives. It would be much more difficult to suggest suitable alternatives than to criticize this present effort. This would not be an appropriate time to advance suggestions in any event, and, fortunately, it is not necessary.

Your own recognition of the need for improvement in administrative procedures led to the appointment of the Attorney General's committee, which has devoted a very great amount of time to a detailed study of the different types of agencies, the defects in their procedures, and appropriate remedies. Its report has taken longer than was anticipated, because it has found the whole field unexpectedly complicated. When its report is available, and I am informed that this will be very soon, it will be possible to make a better-informed approach to this whole difficult field.

For these reasons, I cannot recommend approval of this bill.

Respectfully submitted.

ROBERT H. JACKSON,  
Attorney General.

The SPEAKER. The objections of the President will be spread at large upon the Journal; and the bill, the message, and the accompanying papers will be printed as a House document.

The question is, Will the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Texas [Mr. SUMNERS] is recognized for 1 hour.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, I feel we can all agree that the President of the United States has clearly stated, as has the Attorney General, that the objective sought by this legislation is desirable. The President states he feels the objective is the assurance of fairness in administrative proceedings and there will be universal agreement in reaching such an objective.

You will recall that a few days ago when the gentleman from Texas [Mr. SUMNERS] offered a privileged motion that the House concur in the Senate amendments I asserted that the bill in the form in which it came to the House from the Senate would seriously handicap the efforts of the Government in connection with the national-defense program. I cited several examples in support of that statement. Answering my argument, the gentleman from Texas [Mr. SUMNERS] said that if my contentions were sound his motion should be defeated. I feel that the President's message and the Attorney General's analysis of the bill sustain the position I took on that day. There can be no doubt that the language of the President's message and the analysis of the Attorney General show beyond question that agencies not within the Navy and War Departments having to do with the national-defense program are not exempted under the terms of this legislation



other than those specifically named by the Senate. If the broad language in the bill referred to by the gentleman from Texas [Mr. SUMNERS] and the gentleman from Pennsylvania [Mr. WALTER] exempting the Military and Naval Establishments did exempt the other agencies, then why did the Senate add what is known as the Hatch amendment, specifically providing that certain agencies should be exempt?

Practically every Government department and independent agency submitted a statement, either to the Director of the Budget or to the Attorney General, as to the effect this legislation would have on their activities. Let me tell Members representing rural sections of the country who are interested in the farmers, who are interested in the Department of Agriculture and its operations, the brief submitted by the Solicitor of the Department of Agriculture on this bill contained 100 typewritten pages, many of them single spaced. He pointed out that the efforts of the Department to enforce the legislation you have placed on the statute books in recent years would be delayed, if not destroyed, by the provisions of this bill.

You have here a practical agreement on the part of the President of the United States and the Attorney General in which, in effect, they say: "Bring in the proper legislation, and we will agree." If so, what harm will there be in delaying this legislation until the next Congress convenes?

The President said in conclusion that he was convinced that this legislation, meaning this bill, would produce the utmost chaos and paralysis in the administration of the Government at this critical time. He said:

I am convinced that it is an invitation to endless and innumerable controversies at a moment when we can least afford to spend our governmental or private effort in the luxury of litigation.

The Attorney General points out in his analysis the effect of this legislation on some of the departments within the Government, not only newly created agencies, but naming the Department of Commerce, the Treasury Department, the Maritime Commission, the Procurement Division, and other branches of departments of our Government. You have a direct expression from the Attorney General in reference to strategic materials, the act of 1939, by which the Secretary of the Treasury is charged with the storage, maintenance, and rotation of all these critical materials essential to national defense to buy which we have appropriated hundreds of millions of dollars; yet you make that activity subject to this legislation. That is simply one item the Attorney General points out.

I also referred to a provision in the bill about which I expressed the opinion that it was unconstitutional. The Attorney General refers to that provision of the bill, the provision purporting to give the Supreme Court jurisdiction to review advisory opinions of the district court of appeals. He said:

The provision purporting to give the Supreme Court jurisdiction to review advisory decisions of the district court of appeals is, in view of the constitutional definition of Supreme Court jurisdiction, of very doubtful validity. The first act of Congress ever held to be unconstitutional was one in which the attempt was made to give the Supreme Court jurisdiction in excess of the constitutional provision. Repeated expressions in judicial opinion of a determination to avoid assuming the functions of the political branches of the Government, such as administrative rule making, leaves little doubt that legislation designed to bring new and strange burdens to the courts will have as little support among responsible judicial officers as it has among responsible administrative officials.

I say it is the duty of the Members of this House today, regardless of how we may feel in reference to bureaucracy and bureaucrats—and you will undoubtedly hear something about that this afternoon; you will not hear so much about the bill and the message, but reference will be made to putting chains on the bureaucrats—I say it is the duty of this Congress today to listen to the Commander in Chief and to his Attorney General and delay the passage of this legislation until it can be gone into with extreme care. Then, if you bring in a bill in the next Congress that will reach the objectives which the President refers to and further says there will be universal agreement, probably it can be passed. It is too important a subject to approach without most careful consideration.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. COX. I wonder if the gentleman from Missouri is prepared to concede that evil is to be found in the official behavior of some of our administrative agents that needs to be corrected by law?

Mr. COCHRAN. May I say to the gentleman from Georgia that right there he confirms a statement I made a moment ago. We are not at the moment considering the activity of any official of a Government agency. We are at this moment considering a bill that has been passed by the Congress of the United States which the President says is not desirable legislation. He states that if passed it will paralyze our national-defense program.

Of course, there are Government officials that have gone too far. Anyone will concede that who understands the administration of some of our laws. But why should we condemn all for what a few might have done.

Now, who is responsible for the condition complained of? The Congress itself. It was the Congress that gave to the administrative officials the power to write rules and regulations. If Congress had not given this power there could be no abuse.

I say you will listen today, hoping you will hear someone who favors this legislation explain the bill, the Senate amendments, and comment on the President's views as well as the Attorney General's analysis, but your hopes will not be realized. Just wait and see if the argument is not confined to bureaucracy and bureaucrats.

What I want done and I am sure Members of this House will appreciate is a real argument on the statements I made, that the President and Attorney General made, that this bill in its present form will impede the national-defense program. That is the all-important question now. That is the issue that confronts us today. Do you want to hamstring national defense? If not then it is your duty to stand squarely back of the President and vote to sustain his veto.

I could name many agencies you are interested in that are affected by this bill. Time will not permit. I have gone as far as I can. The country, on November 5, by a large majority selected President Roosevelt to lead us for 4 more years. His task is a heavy one; let us not add additional burdens by placing such a bill as this on the statute books. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Will not the gentleman let someone who is in favor of overriding the veto speak next and let me follow him?

Mr. SUMNERS of Texas. Mr. Speaker, we have only one additional speaker.

Mr. RANKIN. I want to see something attacked before I answer, and I think we are entitled to that.

Mr. SUMNERS of Texas. There is only one additional speaker beside myself.

Mr. RANKIN. Let us hear him.

Mr. SUMNERS of Texas. I am glad to yield to my friend the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Put on somebody from your side.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Speaker, as I sat back there and listened to the reading of the message of the President of the United States I could not help but feel that the message was written by someone who did not understand the measure under consideration. That the President did not write the message I strongly suspect. The entire message is based upon a false premise, namely, that the functions of the administrative agencies are going to be abolished and courts substituted therefor. Certainly there is nothing farther from the fact.

All this bill does is to give to the courts the right to review, if a citizen is aggrieved, a decision that a citizen feels is erroneous. Oh, I have heard a lot of argument about this legislation, but Mr. Speaker, I have yet to hear an argument that has been based upon fact. Sometime ago the distin-

guished gentleman from Missouri [Mr. COCHRAN] talked about an interference with the activities of our defense program. He was very effectively answered by the distinguished chairman of the Committee on the Judiciary. Then my friend the gentleman from Mississippi [Mr. RANKIN] for whom I have a great regard, talked about an interference with the power program. Well, Mr. Speaker, on Monday of this week the Supreme Court of the United States handed down a decision in a case that has been in court for 15 years and the fact that that case has been in the court for 15 years certainly has in no wise interfered with the power program that the gentleman from Mississippi [Mr. RANKIN] was largely responsible for placing upon the statute books.

Mr. RANKIN. Will the gentleman yield?

Mr. WALTER. Just a moment.

Mr. Speaker, in this message of the President's it is stated that we cannot deal with controversies in the mass. Where is there anything in this bill that attempts to deal with controversies in the mass? Bear in mind that there must be a showing by a citizen of a substantial interest before his matter can be taken up in a court, and that case is a case between a citizen and the United States of America. It does not affect an entire program. The Solicitor for the Department of Agriculture wrote an opinion that was mentioned a moment ago, and incidentally this is the same man who was in the Supreme Court of the United States in connection with the Kansas City Stockyards matter on four occasions, a case that had this legislation been on the statute books would have been disposed of within a few months instead of the years that passed before there was a final decision. This gentleman said it would be possible for one farmer to go into the courts and thereby interfere with the entire program of the Department of Agriculture. That is ridiculous. Nothing further from the truth. The gentleman either has not read the bill or he does not understand it or he is deliberately trying to deceive you men and women of this Congress.

There is talk about waiting until the Attorney General's committee reports. It has been my privilege within the last 24 hours, if you please, to discuss this Attorney General's committee with the most distinguished member of that committee, a man who has made his way to the top, a man who is recognized by all courts of America and by all lawyers as one of the foremost authorities if not the foremost authority on administrative law. This man told me himself that the Attorney General's committee was divided in its judgment as to what legislation should be enacted to meet this problem, that many of the members of that committee feel that this bill meets the problem that admittedly exists [applause], and that gentleman told me that the only objection he and some of the other members of the Attorney General's committee had to this bill is that it does not go far enough. [Applause.]

I do not know whether we are ever going to get a report from the Attorney General's committee. I have before me a letter written over the signature of Dean Acheson to the Attorney General dated January 31, 1940, and in that letter he states:

On February 16, 1939, the President, acting upon the earlier suggestion of former Attorney General Cummings, has requested the then Attorney General Murphy to appoint a committee to investigate the need for procedural reform in the field of administrative law.

There was admittedly a need at the time this committee was set up, but then, Mr. Speaker, bear in mind the American Bar Association had taken up this question years ago and at three successive meetings of the leading bar association of America this problem was debated on the floor by the duly elected delegates from every State in the Nation. They made certain recommendations that were endorsed by every bar association in America except two. One of them was the bar association that the President calls our attention to and asks us to rely on its recommendation. Why rely on the recommendation of the bar association of the city of New York? He did not mention the other association that opposed this legislation, the Lawyers Guild, although it admitted there is a problem and suggests that the solution is the appointment of better personnel. He mentions the bar association of the

city of New York. May I say to you if we should take into consideration the recommendations of any bar association let us take into consideration all the bar associations of America.

As far as the farmers are concerned, my distinguished friend from Missouri called upon you people who represent the rural sections. May I say this bill, H. R. 6324, was referred by the Grange to every district of the United States and the legal adviser of every one of the 13 districts of the Grange of the United States not only endorsed the bill but enthusiastically recommended to the members that they go on record as favoring its passage. At a recent convention of the Grange, the Grange went on record as endorsing this particular measure.

I see no reason why we should delay. This bill has been as carefully considered as any legislation this Congress has ever taken up.

There have been charges made that full hearings have not been held. Do you know that every head of every department of our Government was called upon to testify for or against this bill, and they sat before our committee and made no statements in most cases but submitted briefs. A few of us laboriously pored through all of these briefs that were filed, and we are of the opinion that back of all of this opposition is the realization and the appreciation that our servants are implementing the law by writing regulations that have the force and effect of law and they do not want to be interfered with.

I see no reason why we should not vote to override the veto and place upon the statute books this legislation that everyone admits is necessary. [Applause.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, as everyone knows, I have opposed this legislation from the beginning. I am opposed to it now. In my opinion, it is fundamentally wrong and fundamentally dangerous.

I was surprised to hear the gentleman from Pennsylvania say that President Roosevelt did not write this veto message. I have been keeping up with the President for a long time, and if there ever was a veto message that came to this House having the voice of Franklin D. Roosevelt ringing through it this is the one. [Applause.]

As I pointed out before, this bill would bring about the most dangerous concentration of power in the hands of the Federal courts ever known in all the history of representative government—the very thing that Thomas Jefferson warned us would likely destroy this Republic in the end.

Not only that, but you gentlemen who have spent the last few months inveighing against a third term now propose to transfer your prerogatives and the prerogatives of the Executive to a group of men appointed for life, men who never have been elected and a majority of whom probably never could be elected. In other words, you would destroy democracy and set up a judicial fascisti that would paralyze every governmental agency they did not like by interminable and endless litigation.

There are some laws on the statute books at which this legislation is supposed to be aimed that I opposed, but if you are dissatisfied with what you have done, correct your own mistakes by legislation; amend those laws. Do not dodge the issue. Let us maintain representative government and not set up a judicial fascisti in this country by transferring all this power and all this work to an already overloaded judiciary.

I say this advisedly, because I am a lawyer myself. The bar associations to which the gentleman from Pennsylvania referred are dominated largely by utility lawyers whose masters have always been committed to the policy that the people, as individuals, have no rights which the corporations are bound to respect. That is what has brought about this change. Some of the greatest reforms in our history have been brought about by this administration in the last 7 years.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Georgia.



Mr. COX. Does the gentleman not think that the argument runs pretty thin when support is sought to be found in prejudice against members of the bar?

Mr. RANKIN. No. I may say to the gentleman from Georgia that the gentleman from Pennsylvania declined to yield a while ago when he said that a man who was aggrieved could appeal. Who, in the name of God, ever heard of a corporation lawyer or one who is in private practice, for that matter, ever losing a case that he did not feel aggrieved? It simply means that all this litigation would be piled in the laps of the courts and stretched out from month to month and from year to year until the people became disgusted and rose up and corrected the wrong which this bill would bring about. These utility lawyers want to tie the hands of such agencies as the Federal Power Commission, the T. V. A., the R. E. A., and other similar agencies that are doing so much for the masses of the American people. But we are not going to place this weapon in their hands if I can prevent it.

I see them go in—and they are doing it in your districts—the representatives of or attorneys for this utility fascist that I have been fighting for years; they go in and enjoin every agency of the Government they possibly can and paralyze every municipality and every community that attempts to get relief through these agencies from the exorbitant rates they have to pay. Yet instead of backing the Government up and getting rid of that interminable litigation, they would have us pass this law to paralyze the Government and turn these administrative matters that come within the prerogatives of these executive agencies over to the courts to drag them out indefinitely, and in that way destroy the progress we have made.

If you want to correct any legislation, let us correct it ourselves and not attempt to pass the buck to the courts of the land. I hope the President's veto will be sustained. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. PATRICK].

Mr. PATRICK. Mr. Speaker, old Uncle Huckaby Doss was having trouble with his chickens. The weasels were coming in there and catching them. He decided he would fence them in so the weasels could not get in, and he did. But he was having a little trouble. Some of it was a little tight, and he thought he would cut some small holes in it and let his baby chickens get out and circulate a bit. But the weasels got in and got all of them. It seems to me that this legislation is opening up that very sort of thing.

Of course, there is a problem. Our good friend the gentleman from Pennsylvania [Mr. WALTER] says, "There is a problem; therefore, pass my bill"—this lawyers' delight. If there was ever anything opened up just to give lawyers something to work on, this will give them plenty to do from now on. If we make up our minds to pass a bill for the relief of hungry lawyers, let me recommend this bill. But I do not think we are particularly interested in that at this time, though I may be interested in some such movement. It took years to build up this structure; it took years to build it up so we could get action, so that there was a way of approaching this mass problem by a means that could take effective action, that would really deliver the goods in some measure. Now, because that has not already functioned perfectly we find this legislative opposition to it. It reminds me of a man who, because his house leaks, wants to cut in under the foundation and do away with some of the underpinning. I think we will just sustain the President's veto. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, recognizing, as I do, the fact that it is very difficult to appeal to the reason of one of the substantial groups within this body, with the profound respect for my Republican colleagues that I always have, recognizing they will probably vote en bloc to override the veto, of necessity I shall have to make my appeal to the reasoning of my Democratic colleagues.

The election was over a few weeks ago, and on our side we must all keep in mind, and I think we are justified in doing so, the fact that our brethren, as Dr. EATON, from New Jersey, would well say, our Republican brethren were trying to evacuate us from our seats at that time. But, fortunately, the people of the country, recognizing the leadership of the last 8 years and the necessity for continuing it for the next 4 years, by their votes retained our beloved and courageous President and the Democratic Party in power, and not only reelected a Democratic House but increased the Democratic membership, when it was a courageous man who would predict before election day that there would be an increase in the Democratic membership of the House; but we are in control of the House for the next 2 years, and this is the first message sent to this body by the President of the United States, who only a few weeks ago, on a history-making election day, was reelected for a third term.

Now, what are the considerations, based on reason, which should prompt Democratic Members of the House to support the President on this veto message? I voted for the passage of the bill. I voted for the passage of the bill for the very reason that my good friend from Pennsylvania introduced the bill and because of what the gentleman said the bill would accomplish. All the bill does, as he said, "is to give to the courts the right of review on proper petition by some citizen who is aggrieved and has a substantial interest." That is the principle I voted for. I knew that was not in the bill when I voted for it last April, but I was hopeful by my vote that the Senate would so amend the bill that when it came back to the House it would accomplish the very thing that the gentleman from Pennsylvania wants and the very thing that practically all of us want, and the very thing that the President, in his veto message which has been read to us today, said he wants. Does it accomplish that? Yes, but does it go beyond that? The Democrats have been entrusted with the operation and control of the Government by the people. Do we want to strangle the functions of our Government and the machinery of our Government by enacting into law a bill, the objective of which we practically all agree with, when confined to the limits stated by the gentleman from Pennsylvania, but which, in its present form, would bring great harm and danger to the people of our country?

My friend from Pennsylvania said, and I think upon reflection he will regret having said it, that the President did not write the message. I think even our Republican brethren, as the gentleman from New Jersey, Dr. EATON, would say, will admit that the President has the habit of writing his own messages. Certainly, the language is the language of Franklin D. Roosevelt.

Let us now see what this bill does, and let me ask my friend, the gentleman from Texas [Mr. SUMNERS], in his time, if he intended the bill to do what the bill will do if it becomes a law. I would like to ask my friend in his time to state if he intended that the foreign funds control, conducted by the Treasury Department, should be subject to the provisions of this bill. What does that mean? When Hitler went into Norway, Czechoslovakia, Holland, Belgium, France, and elsewhere, the President of the United States immediately froze the credits of those countries in the United States. This had to be done right away. It was an important part of our national defense and it was done to prevent Hitler from stealing the moneys that could go back to those people if they regain their independence. That was one of the reasons, and yet under the provisions of this bill, 10 days of public hearings are required before such action as the President took in those crises could be taken, and in 10 days you know what would happen. Mr. Hitler would have those credits out of this country.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. PATMAN. Should we not consider what the gentleman from Pennsylvania [Mr. WALTER] called to our attention, that it now requires even 15 years for some cases to go through the courts?

Mr. McCORMACK. That is correct.

Let me ask this question. What about the regulations relating to the neutrality law?

Does my friend from Texas want to have such regulations subject to the provisions of this bill? Yet they would be covered.

What about the Maritime Commission? The Maritime Commission is included in this bill. If the committee, on page 16, when it excluded "the Naval and Military Establishments, together with the Council of National Defense and the Advisory Commission thereto, the Priority Board and any other agency or authority" had stopped there the national defense would have been excluded from this bill. But look at the words "hereafter created." They exempted "the War Department, the Navy Department, the Council of National Defense, and the Advisory Commission thereto, the Priority Board, and any other agency or authority hereafter created." The Maritime Commission is an important element of our national defense, and that comes under the provisions of this bill.

Reference has been made to the Strategic Materials Act of 1939. What about the Civil Aeronautics Commission and the training of young men for pilots? They come under this bill.

Yes; we might refer to agriculture. The Agricultural Marketing Agreement Act is exempted, but that is the only thing affecting agriculture that is exempted. The land-utilization program is subject to this bill. The Farm Security Administration is subject to this law. The soil-conservation program is subject to the provisions of this bill. The flood-control program is subject to the provisions of this bill, and many other similar activities which the Department of Agriculture administers for the benefit of the farmers and the people of the United States.

Mr. RANKIN. Will the gentleman yield?

Mr. McCORMACK. Yes; I yield.

Mr. RANKIN. And do not forget the Rural Electrification Administration is also included.

Mr. McCORMACK. Yes; everything, with the exception of the Agricultural Marketing Agreements Act.

Mr. RANKIN. That is funny on the Republican side.

Mr. McCORMACK. Yes; but such legislation is making history. It is the American way of meeting the problems of the day. [Applause.]

Mr. Speaker, I voted for the passage of this bill. I will vote for a bill next session that will carry out the objectives stated by my friend the gentleman from Pennsylvania [Mr. WALTER], the objectives that practically all of us agree with.

The gentleman makes reference to a committee appointed by the President under the leadership of Dean Acheson. I have a letter from the Attorney General, and I ask unanimous consent that I may incorporate it as a part of my remarks.

The SPEAKER pro tempore (Mr. COOPER). Without objection, it is so ordered.

There was no objection.

The letter is as follows:

OFFICE OF THE ATTORNEY GENERAL,  
Washington, D. C., December 17, 1940.

HON. JOHN W. McCORMACK,  
House of Representatives, Washington, D. C.

MY DEAR MR. CONGRESSMAN: In response to your inquiry, I take pleasure in informing you that the report of the Attorney General's committee on administrative procedure is almost completed and will be submitted and made public within the next few weeks.

The committee numbers among its membership many eminent men having no other connection with the executive branch of the Government, such, for example, as Chief Justice Groner, of the United States Court of Appeals for the District of Columbia; Hon. Arthur T. Vanderbilt, former president of the American Bar Association; and Hon. Dean Acheson, former Under Secretary of the Treasury.

The committee has made an exhaustive and impartial study of the procedure of administrative agencies. In addition to detailed studies made by members of its staff, it held numerous executive sessions and public hearings, at which all of the members of the committee actively participated.

I am confident that the report of the committee will be of inestimable value in the study of administrative procedure and in framing legislation for the purpose of improving it.

You will find a more detailed statement of the activities of the committee in a letter written by Dean Acheson, the chairman of

the committee, to Hon. HATTON W. SUMNERS, which is reproduced in the Appendix to the CONGRESSIONAL RECORD page 6788.

With kind personal regards.

Sincerely yours,

ROBERT H. JACKSON,  
Attorney General.

Mr. McCORMACK. Mr. Speaker, it has been stated that that report will be made public in 2 weeks. When it is made public to the Congress of the United States it will be considered by the Committee on the Judiciary in the next Congress, if this veto is sustained.

Let me further analyze some of the provisions of the Logan-Walter bill in its present form to show the advisability of further study.

#### SECTION 1

Subsection 3, page 2:

"Agency" means any department, \* \* \*.

It is often said that this bill is aimed at the new agencies of government, and that it does not embrace a department. Nothing could be more inaccurate. The language is perfectly clear in itself, but boards, commissions, and so forth, are defined as "independent agencies" in subsection 4, page 2.

Subsection 9, page 2: "'Controversy' means any dispute or disagreement concerning any claim, right, or obligation for or against the United States, and any refusal to grant any license, permit, or other privilege."

It is hard to conceive that any proponent of this bill would desire to have the procedure embraced in the act, with ultimate court review apply to

any dispute \* \* \* concerning any claim, \* \* \* or any refusal to grant any license,

And so forth.

The sovereign may not be sued without its consent. Query: Does this bill express the intent of Congress to waive the immunity of the sovereign in every dispute, or every disagreement concerning every claim or obligation for or against the United States, and every refusal to grant every license, permit, or every other privilege?

The sentiment behind the bill is aimed at, or grew out of objections to, certain administrative bodies. Assuming just complaints for isolated administrative procedure—the courts have found comparatively few instances, considering the volume of decisions made by all the administrative bodies—is the uprooting of the landmark of immunity justified because of the few justiciable complaints?

#### SECTION 2

(a) Ten days is too limited a time after publication in the Federal Register of the administrative rules, or amendments thereto, for hearing on the rules. A person on the Pacific coast, in the Southwest, Middle West, or even nearer, would do well to learn of the new rule within 10 days, let alone prepare for the public hearing provided.

(c) Pages 3 and 4: Better enlist a new army of personnel to administer this section to consider the petitions of

any person substantially interested in the effects of [every] administrative rule that has been in force \* \* \* less than 3 years

Prior to the date—1 year from the effective date of the act.

#### SECTION 3

It provides for declaratory judgment from the United States Court of Appeals for the District of Columbia in respect of the legality and validity of any approved administrative rule, upon petition filed by any person substantially interested in its effect. An approved administrative rule is the original rule or any approved amendment, modification, or supplement thereto.

The yardstick by which the court will act is invalidity because of unconstitutionality, or its conflict with a statute, or for lack of authority in the agency issuing it, or for failure to comply with section 2 of the act. "The court shall give preference to such petitions." The judgment is purely advisory and has no binding effect "in any suit or review of an administrative decision or order in any court of the United States." Undoubtedly, the validity or invalidity of any rule involved in any proceeding in any court of the United States is a matter for its consideration. In that character of a



proceeding, there would be a justiciable controversy. It should not be bound, and the parties, of course, should not be bound by the proceedings in the United States Court of Appeals for the District of Columbia brought by some other person, even though they may show substantial interest in the rule.

Is the provision for declaratory judgments in the United States Court of Appeals for the District of Columbia constitutional? If presented to such court is there such controversy as is contemplated in the action of such constitutional court? More than likely the constitutionality of this provision would be assailed. Pending its disposition in the Supreme Court, will not confusion reign? In this connection, at this time in a most critical period, should such confusion be permitted to exist?

## SECTION 4

(a) Pages 6-7: The intra-agency board shall consist of three employees of such agency—at least one of whom shall be a lawyer. In the first place, it takes an optimist to think that three subordinates of any agency can, or would, give the judicial hearing pictured by the proponents of the bill. Furthermore, the gravest complaints leveled at the administrative process is the manner in which hearings are held. It is charged that young, inexperienced lawyers conduct the hearings and have no regard for judicial procedure or established rules of evidence. Without going into that phase of it, we have here three employees of the agency affected being set up as a hearing tribunal, and only one of them need be a lawyer, and at the same time they take an oath that they will decide such matters upon their merits in accordance with law and the evidence presented.

(b) Page 8:

Within 30 days after the day the evidence and arguments are closed, the board shall make written findings of facts and separate decision thereon, which shall be subject to the written approval, disapproval, or modification of the head of the agency concerned or of such person as he shall designate in writing to act for him.

The latter clause "or of such person as he shall designate in writing to act for him" may be within the power of Congress, but it is a delegation of power not now permitted. It is in the face of every expressed sentiment which is heard in objection to the administrative process. In the Morgan case the Supreme Court definitely required consideration, real consideration by the head of an agency, the Secretary of Agriculture, of the record and the arguments. The idea of Congress in the statute vesting the head of the agency with the duty of making a decision, and then divesting him of such obligation and duty by permitting him to designate some other person to act for him needs no further comment. Such anomalous situation is in the face of the criticism leveled against the failure of the heads of agencies in doing just that thing, or relying upon a subordinate, without specific authority from Congress so to do. It is possible that when this language was written it was recognized that it would place a tremendous burden upon the head of an agency, for instance a cabinet officer, to give minor matters his personal attention, and that such language should be incorporated to apply to minor matters, but there is nothing in the act that would prevent him from designating subordinates to act for him in the most important reviews that would be presented. Proponents of the bill must realize that this language does not do that which they desire.

(d) Page 10: This section is probably the one that proponents of the bill are most vitally interested in. It deals with controversies arising out of the activities of any independent agency as defined in section 1. It will include any boards or commissions with two or more officers at its head. It has no qualifications for the examiners. It provides what may well be a full, fair hearing, but if the agency consists of less than three members it falls back on an intraagency board such as is provided in subsection (a) of this section to which we have adverted.

## SECTION 6

The imposition of a reasonable penalty as a part of the costs will most probably circumscribe court review. Yet such

review is the polar star in the proponents' advocacy of the bill.

## SECTION 7

The exclusion of several agencies and independent agencies, and controversies specified, is indicative of the fact that the proponents of the bill recognize that they are treading on dangerous ground. Congress certainly concluded that these agencies should not be interfered with, either because of their peculiar nature or the manner in which they have conducted their functions. In respect to the latter class, the Interstate Commerce Commission is a fine example. Yet the bill does not follow the charted course adopted by the Interstate Commerce Commission. The intra-agency board for the agencies is a far cry from the trained examiners of the Interstate Commerce Commission.

Congress has always been solicitous of the General Accounting Office. The bill excludes the General Accounting Office from the operation under sections 2 and 3, but all other sections apply. The definition of an independent agency in section 1 will include the General Accounting Office. Section 4 likewise applies. With the multitude of claims passing through the General Accounting Office, in my opinion it could hardly function if section 4 is written into the law.

It should be remembered that section 2 deals with implementing administrative rules. Section 3 with judicial review of rules. Section 4 applies to statutory approval and authority for administrative boards and prescribing their procedure. Intraagency boards must be set up and hearings held before them on any claim or dispute, with the right of review in the court.

Do the proponents of the bill really desire such a change in the functions of this activity?

Appealing solely to my Democratic colleagues because of the conditions that exist with most Republican Members voting one way and talking the other, with the Republican Party unfortunately voting en bloc, with one or two exceptions, and agreeing, as most of us do with the objective of this legislation, as stated by the gentleman from Pennsylvania, I believe this bill is too far reaching. This bill transcends and exceeds the reasonable objectives with which we all agree, and in its excesses it is dangerous to the national defense of our country, injurious to the farmers, injurious to organized labor throughout our great country, and harmful to the general welfare.

Because one or two unfortunate incidents have occurred in organized labor, let us not lose our common sense and remember that organized labor, as such, in America, is sound and healthy and we do not want to have a reaction against all labor based upon the actions of a small group therein.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 2 additional minutes to the gentleman from Massachusetts.

Mr. McCORMACK. I thank my good friend from Texas.

Mr. WALTER. Will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. WALTER. If the gentleman feels that this legislation would harm labor, how does he account for the fact that William Green, in a strong letter to our committee, endorsed the measure and said that its enactment was most necessary?

Mr. McCORMACK. I have the greatest respect for William Green—

Mr. COCHRAN. Will the gentleman yield to me?

Mr. McCORMACK. I yield to the gentleman.

Mr. COCHRAN. I would like to say that that letter went throughout the country, but the American Federation of Labor in the city of St. Louis did not agree with that letter. I think that viewpoint was withdrawn. [Laughter.]

Mr. McCORMACK. I have the greatest respect for William Green and all other men, even when I disagree with them, when I know that they are intellectually honest. I disagree with Mr. Green in this matter, if the gentleman from Pennsylvania has quoted him correctly. I do not know how much his view represents the views of the American Federation of Labor. My position on this question is based upon the exercise of my own judgment, after carefully considering the provisions of the bill on which we are about to

vote. I agree with the objective sought. I disagree with the excessive provisions, the unnecessary provisions, the dangerous provisions that are included in this bill. Anything I say is in no way to be construed by anyone now or later as an expression of anything but the highest regard and strongest friendship, and greater feeling of respect for the intellect, honesty, sincerity, ability, and integrity of my distinguished friend the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. If the gentleman feels that some of the provisions of this measure are dangerous, does he advocate the repealing of similar provisions now in the law?

Mr. McCORMACK. The gentleman's question covers a broad area. I am not going to undertake to answer that question in the few moments that remain to me. We are considering the bill before us, and I am appealing to my friends on the Democratic side—who on this issue are the only Members of this body with an open mind, to whom reason will appeal—to urge you to sustain the President in this vote. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 21 minutes.

Mr. MICHENER. Mr. Speaker, will the gentleman yield for an observation at this point?

Mr. SUMNERS of Texas. I yield.

Mr. MICHENER. We all realize that the distinguished gentleman from Massachusetts the majority leader of the House [Mr. McCORMACK] finds himself in a rather embarrassing situation today. When this Walter-Logan bill was before the House for consideration, the gentleman from Massachusetts favored its passage, and possibly that fact was a factor in securing the large majority by which the bill passed the House. The bill as vetoed by the President is a better bill than the bill as it passed the House, because the Senate amendments were clarifying. When the gentleman from Massachusetts supported the bill in the House he was a private in the ranks. Since that time he has been elevated to the distinguished position of majority leader. Of course, as the administration floor leader, it would be very difficult for him to support a motion to override the President's veto. Maybe he is entitled to sympathy. Let us hope that his allegiance to the President has not in any way changed his judgment as to the merits of the bill. If this was a good bill when it passed the House, and when the gentleman supported it, what has happened to change his views? [Applause.] No politics, I hope.

One further observation: An analysis of the President's veto message will show that the President has not made a single suggestion as to why this bill should not become a law, which suggestion was not before the Judiciary Committee for consideration and which was not considered and debated in either the House or the Senate. The veto message agrees that a condition exists which should be remedied by legislation. The Walter-Logan bill, however, was not drawn by the administration, and is branded as the wrong method. Delay is advocated. In short, I cannot understand why a Member of the House who voted for this Walter-Logan bill after thorough consideration and discussion but a few weeks ago can now reverse that deliberate judgment. Remember, the President's veto was only received by the House a few minutes ago, and certainly just the reading of that veto message has not convinced Members who voted for the bill on its passage that they were wrong then. Any partisan appeal should not change mature conviction.

The speech of the distinguished majority leader the gentleman from Massachusetts [Mr. McCORMACK] was directed entirely to partisan Democrats. They are asked to change their votes on this important measure because they should not differ with the President's views so soon after election. They must not forget that this is still a democracy, and if we want to continue this form of government, then the House must maintain its independence. What has the election to do with this veto? A dependent, supine, and servile Congress

will do much in these days to destroy the very thing England is fighting for in Europe today.

Mr. SUMNERS of Texas. Mr. Speaker, I am going to try to be helpful, if I can, in the discussion of this bill and the statement of the reasons why regretfully I urge the House to stand by its judgment. It happens that we live under a system of government, under a Constitution whose first provision places the responsibility of legislating upon the Members of the Congress composed of the two Houses. The Constitution provides that they may have the assistance and benefit of the President's suggestions and advice, but whenever that time comes in America when the Members of the legislative branch of the Government abdicate or surrender this fundamental responsibility set forth in the first provision of the Constitution—and I say this with all respect—and yield its judgment to the judgment of the Executive, the people ought to keep them at home and stop their getting any money out of the Federal Treasury. There is no use for them in the functioning machinery of the Government. [Applause.] That is the first proposition.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. DINGELL. And would not the gentleman also add that when the time comes when the Members of this House will yield to the judiciary they should stay home?

Mr. SUMNERS of Texas. Yes.

Mr. DINGELL. I will agree with the gentleman on that.

Mr. SUMNERS of Texas. Yes; we will get together.

The attendance is just a bit slim. Some of the boys are out kind of cooling off a bit. That is all right; believe me, they have had a good deal of heat put on them in the last few days.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. No; I cannot.

Mr. FULMER. Mr. Speaker, will the gentleman yield to me?

Mr. SUMNERS of Texas. Very briefly.

Mr. FULMER. Is it not also a fact that a lot of pressure has been brought to bear on the attorneys connected with Congress to pass this bill?

Mr. SUMNERS of Texas. I really do not know. But I must go on. This is a serious matter.

In the concluding statement of the President's message the statement is made "can least afford to spend either governmental or private effort in the luxury of litigation." I know the meaning was not intended which the words separated from the context would indicate, but the notion seems to run through this discussion that there is something bad, something to be criticized in the attempt to provide for individuals the possibility of a real day in a real court.

Mr. Speaker, there was a time in the history of our people when men went to prison and were not privileged to indulge in the luxury of litigation. They rotted in the prisons of the country held by the executive power of the Government. Finally one of the most magnificent provisions in our constitutional system, the habeas corpus, came into being and a man had a right to go to the courts of this country and have tried before a judge, not some other executive agency, the right of any human being to detain him. This bill involves the same principle, Mr. Speaker. I stated candidly to the House when we were here before that at the time this bill was originally considered in our committee I was in the hospital and do not know as other Members do about the details of it; but I do know this bill involves the same great fundamental principles, absolutely basic in the philosophy of Anglo Saxon systems of government that anybody who feels himself aggrieved by an agency of government or by a private citizen has the right to have his matter publicly tried in the courts of this country. It is a sad day in America that men sneer when the great fundamental question of the rights of a complete trial in a court of the land is proposed.

What do we do in this bill? The first thing we do is to provide some opportunity to the people affected to be heard by the rule-making, the lawmaking agency. The rules of these agencies are laws for the average individual. Is there



anything bad about that? Do you gentlemen complain about that? Ought not that to be done? These agencies are permitted in the secrecy of star-chamber proceedings to formulate rules governing the vital interest of our people. Is it right to deny the people to be affected the opportunity to be heard and to contribute the benefit of their suggestions? Is that something to be sneered at? Has that right ceased to be sacred among the American lawmakers of this country, and will they sneer at it? That is what this bill proposes to do. And you are asked to defeat a bill that guarantees this sacred fundamental right. Let us be honest, let us be sensible about it.

Does anybody doubt that as we have brought these powers of Government up from the States and so concentrated them in Washington and have so overloaded the legislative machinery of this Government functioning normally, that we have been compelled to set up these bureaus and that we have given them the power to make rules that have the force and power to construe the rules and the power to enforce the rules. Yet we sit here and sneer at this effort to establish a basic right to effective judicial review of law as stated. I did not have any part in it and I did not help frame the bill, but I know its purpose and, generally, its provisions.

The bill is not perfect, of course, but the opponents of the bill, those who want to defeat the attempt to establish the power over these agencies which it proposes is like a horse which does not want to go along. Any little thing by the roadside becomes an object of fearful proportions. These executive agencies do not want this bill. They do not want to be supervised or restrained by anybody or any other agency of government. That is a perfectly natural attitude to develop. It is a development resulting from the character of power they possess. I want to emphasize this is not personal. They are functioning according to the rules. They are operating naturally. There seems to be a limitation upon human governmental capacity, upon the ability of self-restraint, which will not permit such power to make rules, to construe those rules and enforce those rules to be put with any one group of human beings without such persons abusing that concentrated governmental power. That is out of actual experience. That is the reason why we have three coordinate branches of the Government distributing these powers among three different groups of persons. Nobody just theorized about that. Our people found by actual experience that the abuses of such powers so concentrated forced them to do what this bill is trying to do. That is what we are trying to do here today and that is all we are trying to do. What is wrong with that?

I want to emphasize I mean no reflection upon the present executive personnel. We are dealing with principles and policies of government and with human nature.

I do not mean any invidious comparison, but I would not risk anybody here with such power. I do not question the good intentions of these people. They want to do a good job. They want to do a good job and they do not want to be interfered with by anybody. Hitler does not want to be interfered with. He is trying to do what he considers is a good job and I imagine the same is true with Mussolini. Now, you boys of the newspapers, do not get me wrong about this thing. But this is the same breed of power. This power to make rules, this power to construe rules, this power to enforce rules is the same breed of power that Mussolini and Hitler have. Does anybody question that? Nobody questions it. You just cannot question it. How enthusiastic would those boys be if there was a legislative branch over there and somebody would introduce a bill to permit a private citizen a real complete court review of what they did? We are talking, not about persons, but about powers, about putting these three powers of government in the same personnel, without an effective opportunity afforded the citizen to present his views as to the rules while they are being made and while they are being construed and applied to him. That is what we are discussing.

Mr. SABATH. Will the gentleman yield for a brief question?

Mr. SUMNERS of Texas. Very brief.

Mr. SABATH. Is it not a fact that the legislative branch of the Government authorized these departments to adopt rules and regulations?

Mr. SUMNERS of Texas. That is right.

Mr. SABATH. This is trying to deprive them of that right.

Mr. SUMNERS of Texas. Why was that done? Because we had accumulated so much legislative business, much of it brought up from the States that ought to have been left there, we could not attend to it. Now, having been forced to create these bureaus and departments, we have authorized them to make the rules, which we had to do, and now we propose to establish the character of governmental supervision which all Anglo-Saxon experience has demonstrated is necessary, namely, to permit a court of the country, not those who make the rules, to review them.

Men who profess to believe in our system of government are now criticizing an effort to deprive the people who make the rules of the power, in a large measure, finally to construe those rules. What do you think about that? I repeat, what do you think about that? We have gone a long way since those heroic days when our ancestors took such power from the executive branch of the Government where it had been concentrated and lodged it in the courts of the country. I sometimes wonder if we have not pretty nearly made the round trip, if we have not pretty nearly made the circle back where we were when our ancestors began their magnificent fight to supplant centralized government with a government of three coordinate branches, one the legislative, to make the laws, to determine the policy; another, the executive, not to make the laws but to execute them, to effectuate the public will as declared by the chosen persons, selected by the people for the specific purpose of making the laws, and the other the judiciary, neither to make the laws nor to execute them but to interpret and apply them. How far are we from where they started? We have not been traveling in a circle, as a matter of fact. We have lost our way and taken the back track. Because we can fly through the air and talk through the air is no sign we are wiser than all the peoples who have gone before us, who had the time to think deeply in the silent places.

Mr. Speaker, these are great hours. This is a great day. This is no small matter. We profess to be fighting the battles of democracy in the world today. It might be worth while for us to stop awhile and consider what we are doing to this democracy ourselves. Here is a place to do some of the fighting for democracy, fighting against a concentration of power as fatal to a democracy, as alien to any democracy as the philosophy of any of the governments whose philosophy we profess to oppose. The only difference is in degree, not in character.

Mr. COCHRAN. Will the gentleman yield?

Mr. SUMNERS of Texas. I cannot yield to anyone now.

Mr. Speaker, we have a great big job to do right here in America. We cannot keep on going like we are going, bringing these powers up here from the States, concentrating them until they exceed any capacity of a system or machinery of government which the people can control; then turning the power to make rules, construe rules, and enforce rules over to people who never got a vote in their lives, and you talk about a representative system of government. [Applause.] A representative system of government is a democracy that has outgrown itself. We have representatives because all the people cannot be here. We have to have these appointed people. I want to repeat I am not criticizing them. We are considering principles and policies of government. That is no reason why, if we have to have people to make rules, we cannot provide that your citizen and my citizen who feel aggrieved can go to a court of the country and in the open daylight turn the public view on it and let the people see all about it. That is what we are trying to do by this bill. Proceedings under this bill do not of necessity suspend. I want to get this across in view of what my distinguished friend stated. Such proceeding does not act as a supersedeas. Now, I like the Attorney General.

Personally I like him very much, but he found more things in this bill to get scared of than we all imagined were in it.

I will be candid with you. I cannot see how this bill can reach final conclusion at this session, and we all know it. But this great House of Representatives on this memorable day in the history of our Nation, when democratic government is fighting with its back to the wall, when the great principle of three coordinated branches of government, each one discharging its constitutional responsibility, is being debated in the forums of the world, cannot afford, it seems to me, to permit a bill to be defeated which it has twice approved, that upholds a great principle, for which our ancestors gave their lives on a hundred battlefields that their posterity might enjoy. We cannot afford to endorse the principle of permitting any group of appointed people or elected people for that matter, to make rules which have the force of law and to have the power to construe those rules and the power to enforce those rules, all the powers a king ever had, all the powers that Mussolini claims, all the powers that Hitler exercises, with no effective complete assurance of a day in court. I hope I will not be misunderstood. I am not criticizing these persons of the executive branch of the Government. I am talking about the inevitable consequences of placing that sort of concentrated power in any group of people, I do not care who they are. God Almighty's plan is effectuated as much by the limitations imposed upon human beings as by the capacity given to human beings. All the history of the governments of the ages has demonstrated that He has placed a limitation upon human capacity which makes it impossible for a free people to live under a government where any group of persons can make the laws, construe the laws, and enforce the laws; and nobody here can deny it. I speak under a sense of duty, an unpleasant duty but a compelling duty; let the results be what they may. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding?

The question was taken; and there were—yeas 153, nays 127, answered "present" 8, not voting 141, as follows:

[Roll No. 238]

#### YEAS—153

Andersen, H. Carl	Douglas	Jonkman	Rogers, Mass.
Anderson, Calif.	Doxey	Kean	Routzohn
Anderson, Mo.	Eaton	Keefe	Rutherford
Andresen, A. H.	Elliott	Kerr	Sandager
Andrews	Elston	Kilburn	Satterfield
Arends	Engel	Kinzer	Secombe
Austin	Englebright	Kunkel	Secrest
Ball	Evans	Lanham	Simpson
Barden, N. C.	Faddis	Lewis, Colo.	Smith, Maine
Barton, N. Y.	Fenton	Luce	Smith, Ohio
Bates, Mass.	Fish	Ludlow	Smith, Va.
Bender	Ford, Leland M.	McDowell	Springer
Blackney	Ford, Miss.	McGehee	Stearns, N. H.
Bland	Gamble	McGregor	Sumner, Ill.
Bolles	Gartner	McLaughlin	Sumners, Tex.
Bolton	Gearhart	McLean	Taber
Brewster	Gerlach	Maas	Talle
Brown, Ga.	Gifford	Martin, Mass.	Tarver
Brown, Ohio	Goodwin	Mason	Tibbott
Buck	Gore	Michener	Tolan
Burch	Graham	Miller	Van Zandt
Camp	Grant, Ind.	Monkiewicz	Vorys, Ohio
Carter	Guyer, Kans.	Moser	Vreeland
Case, S. Dak.	Gwynne	Mundt	Wadsworth
Church	Hall, Edwin A.	O'Brien	Walter
Clark	Hall, Leonard W.	Oliver	Wheat
Clason	Halleck	Osmer	Whelchel
Cole, N. Y.	Hancock	Pearson	White, Ohio
Cooley	Hartley	Pittenger	Whittington
Cox	Hess	Plumley	Wigglesworth
Cravens	Hinshaw	Powers	Wolcott
Crawford	Hobbs	Reece, Tenn.	Wolfenden, Pa.
Crowther	Hoffman	Rees, Kans.	Wolverton, N. J.
Culkin	Holmes	Rich	Woodruff, Mich.
Curtis	Hope	Risk	Woodrum, Va.
Davis	Jenks, N. H.	Robertson	Youngdahl
Dirksen	Johns	Robison, Ky.	
Disney	Johnson, Ill.	Rockefeller	
Ditter	Jones	Rodgers, Pa.	

#### NAYS—127

Arnold	Durham	Kennedy, Martin	Rabaut
Barnes	Eberharter	Kennedy, Michael	Randolph
Barry	Edelstein	Keogh	Rankin
Bates, Ky.	Fay	Kirwan	Richards
Beam	Fitzpatrick	Kocalkowski	Robinson, Utah
Beckworth	Flaherty	Lemke	Romjue
Bloom	Flannagan	Lesinski	Sabath
Boland	Flannery	Lynch	Sasser
Bonner	Ford, Thomas F.	McArdle	Schuetz
Bradley, Pa.	Fulmer	McCormack	Schwert
Bryson	Garrett	McGranery	Shanley
Buckley, N. Y.	Gavagan	McKeough	Shannon
Bulwinkle	Gehrmann	McMillan, Clara	Sheridan
Burdick	Geyer, Calif.	McMillan, John L.	Smith, Conn.
Burgin	Gossett	Maclejewski	Smith, Ill.
Byrne, N. Y.	Griffith	Magnuson	Smith, Wash.
Eyrone	Hare	Mahon	Smith, W. Va.
Claypool	Harrington	Marcantonio	Snyder
Cochran	Hart	Martin, Ill.	Somers, N. Y.
Coffee, Wash.	Havener	Massingale	Spence
Conner	Healey	Merritt	Sullivan
Cooper	Hennings	Myers	Taylor
Crosser	Hill	Norrell	Tenerowicz
Crowe	Hook	O'Connor	Terry
Cullen	Houston	O'Leary	Thomas, Tex.
Cummings	Hunter	O'Toole	Vincent, Ky.
D'Alessandro	Izac	Parsons	Voorhis, Calif.
Delaney	Jacobsen	Patman	Wallgren
Dempsey	Johnson, Lyndon	Patrick	Ward
Dingell	Johnson, W. Va.	Pfeifer	Weatherford
Duncan	Keller	Pierce	Weaver
Dunn	Kelly	Polk	

#### ANSWERED "PRESENT"—8

Alexander	Cole, Md.	Drewry	Sparkman
Boehne	Colmer	Grant, Ala.	Sutphin

#### NOT VOTING—141

Allen, Ill.	Dworshak	Knutson	Reed, N. Y.
Allen, La.	Edmiston	Kramer	Rogers, Okla.
Allen, Pa.	Ellis	Lambertson	Ryan
Angell	Ferguson	Landis	Sacks
Bell	Fernandez	Larrabee	Schaefer, Ill.
Boren	Folger	Lea	Schaefer, Wis.
Boykin	Fries	Leavy	Schiffler
Bradley, Mich.	Gathings	LeCompte	Schulte
Brooks	Gilbs	Lewis, Ohio	Scrugham
Buckler, Minn.	Gilchrist	McAndrews	Shafer, Mich.
Burney	Gillie	McLeod	Sheppard
Byrns, Tenn.	Green	Mansfield	Short
Caldwell	Gregory	Marshall	South
Cannon, Fla.	Gross	Martin, Iowa	Starnes, Ala.
Cannon, Mo.	Harness	May	Steagall
Carlson	Harter, N. Y.	Mills, Ark.	Stefan
Cartwright	Harter, Ohio	Mills, La.	Sweeney
Casey, Mass.	Hawks	Mitchell	Sweet
Celler	Hendricks	Monroney	Thill
Chapman	Horton	Mott	Thomas, N. J.
Chipperfield	Hull	Mouton	Thomason
Clevenger	Jarman	Murdock, Ariz.	Thorkelson
Cluett	Jarrett	Murdock, Utah	Tinkham
Coffee, Nebr.	Jeffries	Murray	Treadway
Collins	Jenkins, Ohio	Nelson	Vinson, Ga.
Corbett	Jennings	Nichols	Welch
Costello	Jensen	Norton	West
Courtney	Johnson, Ind.	O'Day	White, Idaho
Creal	Johnson, Luther A.	O'Neal	Williams, Del.
Darden, Va.	Johnson, Okla.	Pace	Williams, Mo.
Darrow	Kee	Patton	Winter
DeRouen	Kefauver	Peterson, Fla.	Wood
Dickstein	Kennedy, Md.	Peterson, Ga.	Zimmerman
Dies	Kilday	Poage	
Dondero	Kitchens	Ramspeck	
Doughton	Kleberg	Reed, Ill.	

So (two-thirds not having voted in favor thereof) the bill was rejected.

The Clerk announced the following pairs:

Mr. Alexander and Mr. Colmer to override, with Mr. Costello to sustain.

Mr. Murray and Mr. Clevenger to override, with Mr. Grant of Alabama to sustain.

Mr. Sutphin and Mr. Gathings to override, with Mrs. Norton to sustain.

Mr. Treadway and Mr. Knudson to override, with Mr. Doughton to sustain.

Mr. Harness and Mr. Boehne to override, with Mr. Murdock of Arizona to sustain.

Mr. Jenkins of Ohio and Mr. Lambertson to override, with Mr. Ramspeck to sustain.

Mr. Chapman and Mr. LeCompte to override, with Mr. Steagall to sustain.

Mr. Gilchrist and Mr. Reed of New York to override, with Mr. Dickstein to sustain.

Mr. Angell and Mr. Boren to override, with Mr. Leavy to sustain.

Mr. Coffee of Nebraska and Mr. Sweet to override, with Mr. Mitchell to sustain.

Mr. Jensen and Mr. Gillie to override, with Mr. Poage to sustain.

Mr. Short and Mr. Mott to override, with Mr. Schulte to sustain.

Mr. Jennings and Mr. Jarrett to override, with Mr. Celler to sustain.

Mr. Drewry and Mr. McLeod to override, with Mrs. O'Day to sustain.



Mr. Cluett and Mr. Chipperfield to override, with Mr. Edmiston to sustain.

Mr. May and Mr. Cole of Maryland to override, with Mr. Casey of Massachusetts to sustain.

Mr. Hendricks and Mr. Mills of Arkansas to override, with Mr. Fries to sustain.

Mr. Dondero and Mr. Thomas of New Jersey to override, with Mr. Ellis to sustain.

Mr. Courtney and Mr. Martin of Iowa to override, with Mr. McAndrews to sustain.

Mr. Reed of Illinois and Mr. Allen of Illinois to override, with Mr. Rogers of Oklahoma to sustain.

Mr. Kleberg and Mr. Gregory to override, with Mr. Sheppard to sustain.

Mr. Tinkham and Mr. Lewis of Ohio to override, with Mr. Ferguson to sustain.

Mr. Sparkman and Mr. Carlson to override, with Mr. Larrabee to sustain.

Mr. Pace and Mr. Winter to override, with Mr. Cannon of Missouri to sustain.

Mr. Horton and Mr. Harter of New York to override, with Mr. Hull to sustain.

Mr. Kitchens and Mr. Byrns of Tennessee to override, with Mr. Nichols to sustain.

Mr. Schafer of Wisconsin and Mr. Caldwell to override, with Mr. White of Idaho to sustain.

Mr. Schiffer and Mr. Marshall to override, with Mr. Sacks to sustain.

#### General pairs:

Mr. Luther A. Johnson with Mr. Stefan.

Mr. Kefauver with Mr. Johnson of Indiana.

Mr. West with Mr. Landis.

Mr. Vinson of Georgia with Mr. Dworshak.

Mr. Starnes of Alabama with Mr. Gross.

Mr. Williams of Missouri with Mr. Bradley of Michigan.

Mr. South with Mr. Corbett.

Mr. Mansfield with Mr. Welch.

Mr. Patton with Mr. Schafer of Michigan.

Mr. Nelson with Mr. Williams of Delaware.

Mr. Collins with Mr. Jeffries.

Mr. Darden of Virginia with Mr. Hawks.

Mr. Creal with Mr. Darrow.

Mr. Jarman with Mr. Buckler of Minnesota.

Mr. Thomason with Mr. Thorkelson.

Mr. Peterson of Georgia with Mr. Thill.

Mr. O'Neal with Mr. Bell.

Mr. Brooks with Mr. Murdock of Utah.

Mr. Schaefer of Illinois with Mr. Folger.

Mr. Harter of Ohio with Mr. Kee.

Mr. Zimmerman with Mr. Kilday.

Mr. Lea with Mr. Sweeney.

Mr. Scrugham with Mr. Cannon of Florida.

Mr. Boykin with Mr. Mills of Louisiana.

Mr. Peterson of Florida with Mr. Burney.

Mrs. Gibbs with Mr. Allen of Louisiana.

Mr. Monroney with Mr. Cartwright.

Mr. DeRouen with Mr. Green.

Mr. Kramer with Mr. Ryan.

Mr. Mouton with Mr. Dies.

Mr. Fernandez with Mr. Johnson of Oklahoma.

Mr. Kennedy of Maryland with Mr. Allen of Pennsylvania.

Mr. BOEHNE. Mr. Speaker, on this roll call I voted "yea." The gentleman from Indiana, Mr. HARNES, the gentleman from Arizona, Mr. MURDOCK, and I have a pair. Therefore, I withdraw my vote and vote "present."

Mr. BARNES. Mr. Speaker, on this roll call I voted "yea." I change my vote and vote "nay."

Mr. SPARKMAN. Mr. Speaker, on this roll call I voted "yea." I have a pair with the gentleman from Indiana, Mr. LARRABEE. I therefore withdraw my vote and vote "present."

Mr. COLMER. Mr. Speaker, on this roll call I voted "yea." I have a pair with the gentleman from California, Mr. COSTELLO. I withdraw my vote, therefore, and vote "present."

Mr. COLE of Maryland. Mr. Speaker, on this vote I have an active pair with the gentleman from Massachusetts, Mr. CASEY. I am advised that if he were present he would vote "nay." Having voted "yea," I withdraw my vote and vote "present."

Mr. SUTPHIN. Mr. Speaker, on this roll call I voted "yea." I have a pair with my colleague the gentlewoman from New Jersey, Mrs. NORTON, who is absent. Therefore, I withdraw my vote and vote "present."

Mr. DREWRY. Mr. Speaker, I have a pair with the gentlewoman from New York, Mrs. O'DAY. If she were present, she would vote "nay." I voted "yea," so I withdraw my vote and vote "present."

Mr. GRANT of Alabama. Mr. Speaker, I have a pair with the gentleman from Wisconsin, Mr. MURRAY, and the gentleman from Ohio, Mr. CLEVINGER. I understand that if they

were present they would vote "yea." I therefore withdraw my vote and vote "present."

Mr. ALEXANDER. Mr. Speaker, on this vote I have a live pair with the gentleman from California, Mr. COSTELLO. I understand that if he were present he would have voted "nay." I therefore withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The bill and the message, together with the accompanying papers, are referred to the Committee on the Judiciary and ordered to be printed. The Clerk will notify the Senate of the action of the House.

#### EXTENSION OF REMARKS

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short editorial.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DELANEY asked and was given permission to extend his own remarks in the RECORD.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. LUCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LUCE. Mr. Speaker, ending 20 years of service in the House, it may not be amiss for me to make some comment on my observations of its work.

First, and of supreme importance, under both Republican and Democratic control, has been the steady march toward subordination of the legislative branch of Government.

The makers of our Constitution carefully devised a system of checks and balances under which the legislative, executive, and judicial branches should have some measure of control over each other. It was natural, it was inevitable, that each should seek to enlarge its prestige and its powers. For a century and more each succeeded in varying degree. According to their temperament, the Presidents also in varying degree sought to control legislation. At times strong legislators sought to force their views upon docile Presidents. Less conspicuously, Justices of the Supreme Court interpreted the Constitution to meet their own views of the public welfare. Yet, on the whole, the checks and balances worked out their purpose.

With the World War, the President became, for the time being, supreme. After that war the Senate reasserted itself. Legislative subordination, however, had become so acceptable to Congress as a whole that it continued to look to the President for leadership. The habit grew, until now almost no important bill is passed upon save upon administrative initiative or with previous approval of the Chief Executive. The effect of this has been to diminish the importance of Congress. Particularly is that true of the House of Representatives. Here we no longer pay attention to debates. The conclusion being foregone, there is usually no occasion for Members to stay in their seats and listen—rarely does a speech change a vote.

One result is that oratory as our fathers knew it has almost vanished. There have been contribution factors. The use of the microphone is one. It makes effective gestures impracticable. It distorts the voice. It has manifest advantages for the hearer, indeed, but it must be admitted that it has destroyed oratory.

Another effect on debating has been produced by the perfecting of the rules to the end that business may be expedited. This end was desirable with the growth of business and was necessary. It has resulted, however, in restricting unduly the time for adequate discussion of the more important questions.

Debate in the House has been made far less effective by growth of the practice of reading speeches. The written

speech gets few hearers and carries little weight. Better is the practice in the English House of Commons where nobody may read.

Improvement has been made in the handling of private bills. They remain, however, a time-wasting factor. Private bills are generally exceptions to law. They are meant to dispense equity. The present method of doing this does no credit to Congress. It is uncertain, it is often accidental, it takes precious time from more important things. Here again Congress might well look to Parliament for at least some measure of remedy. There appeals for relief are studied by an office at work the year round, semijudicial in its nature, which submits its findings to Parliament where they are usually approved without time-wasting discussions.

Much progress has been made in these 20 years in the preparation of bills. It will be hard for newer Members to understand the opposition to the proposal for trained help of bill drafters. One Congressman stoutly fought the idea with the declaration that if a Member could not write a bill himself his secretary could do it. Now, the aid of the bill-drafting lawyers is warmly commended by all the committees that use their services.

I am not one of those who demur because bills are submitted by the Departments. Surely, they furnish the best basis for legislative work. Their purpose, however, should not be unquestionably accepted. To do that would be to admit the English system is the better, the system whereunder all the laws are made by a committee of the House of Commons known as the Cabinet. Rarely, the House of Commons makes important change in what the Government proposes. Did the Government object to amendment and were it defeated, it would resign. Here no forfeiture of office confronts a Cabinet. Congress has its way and that is what makes it worth while to be a Congressman.

I shall miss the associations of the House. They have been a constant source of gratification to me. I have found the Members irrespective of party differences to be generous gentlemen, courteous, kindly, honorable. The House is a patriotic body of hard-working men, each seeking the public welfare according to his lights.

Of the thousand and more men with whom I have worked, not one has led me to suspect venality. No taint of corruption attaches to them.

It is not true that they are improperly influenced by lobbyists. The existence of a lobby here is a myth. Rarely has man or woman entered my office with the evident purpose of influencing my vote. The exceptional cases have been those of reformers who in their zeal have argued for some measure to make the world better. There have been many letters—thousands of them, urging this or that action, but with no trace of self-interest. I recall no instance of threats save of very few that were evidently the product of unbalanced minds. For the most part my constituents have been willing to let me do my own thinking. I have no quarrel with those of my associates who think it is their duty to keep their ears to the ground and try to find out what the folks at home are thinking. My own preference has been to reach my own conclusion in the light of the knowledge obtained by the information and arguments presented here.

If in this and other particulars I have won some measure of the respect and good will of my associates, I shall leave the House thankful for the opportunity to try to be of service here. In any case I would make record of my appreciation of the friendship of my fellow Members. All of them I wish well.

#### EXTENSION OF REMARKS

**Mr. BLOOM.** Mr. Speaker, I ask unanimous consent to extend my own remarks in the *RECORD* and include therein a speech made by the President of Mexico at his inauguration and several other speeches made during the time of the inauguration of the President of Mexico.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

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**Mr. FLAHERTY.** Mr. Speaker, I ask unanimous consent to extend my own remarks in the *RECORD* and include therein several communications received by me.

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

**Mr. VOORHIS** of California. Mr. Speaker, I have three requests: I ask unanimous consent, first, to extend my own remarks in the *RECORD* and include therein a speech which I shall deliver to the Young Democrats of the State of New York; second, to extend my own remarks and include therein two paragraphs from the constitution of the Rubber Workers of America; and third, to extend my own remarks and include therein a paper by Mr. C. G. Hoag, of Haverford, Pa.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

**Mr. VREELAND.** Mr. Speaker, I ask unanimous consent to extend my remarks in the *RECORD* and to include a radio address.

The **SPEAKER.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

**Mr. RANDOLPH.** Mr. Speaker, I ask unanimous consent to extend my remarks in the *RECORD* and to include therewith two very short addresses commemorating Pan American Aviation Day.

The **SPEAKER.** Is there objection to the request of the gentleman from West Virginia?

There was no objection.

#### ORGANIZED LABOR AND THE ADMINISTRATION OF THE CITY OF CHICAGO

The **SPEAKER.** Under previous order of the House, the gentleman from Illinois [Mr. SABATH] is recognized for 15 minutes.

**Mr. SABATH.** Mr. Speaker, last Monday the gentleman from Michigan [Mr. HOFFMAN], after objecting to adjournment, saw fit to criticize the minority as well as the majority leader of the House on their agreement to adjourn until today, even though there was no business to transact on Tuesday. Of course, I was not surprised at his action, because he had been opposed to adjournment for many, many weeks. I recall the letter sent out by him on June 5, 1940, and the reasons given against adjournment. I shall not read his letter, which I feel was manifestly unfair to his party, to the President, and to the country. The letter demonstrates that the reasons for keeping the House in session were purely political. May I quote but a few of the pertinent excerpts:

If five or six of us will every day get a special order for 10 or 15 minutes on consecutive days, go on the floor, and "bawl hell" out of him (the President).

True, the first day no one but Republicans [and very few of them] will listen. But if we are forceful enough, some Democrat will take the floor to answer. If we have our special orders in advance, we will have opportunity to make reply immediately.

Thus, acting upon the plan outlined in the letter of the gentleman from Michigan, the Republican membership about 6 weeks ago voted as a unit against adjournment of Congress; and, to my amazement, many of them left Washington on the same day. Shortly thereafter some 12 Republicans left Washington on a junket trip to Panama, which was the subject of comment by Pearson and Allen.

In line with his letter of "bawling out" everybody, in concluding his remarks on adjournment last Monday, he began assailing organized labor. It is strange, indeed, that the gentleman never criticizes the large, powerful industrial leaders, like Messrs. Ford, Girdler, Weir, Sloan, and Fisher, but criticizes the men who organize for the purpose of obtaining a living wage to enable them to decently maintain their families.

A few days ago I placed in the *RECORD* a statement showing the tremendous profits of the big industries for the year 1939 and the first 6 months of 1940. In going over these figures, I feel that the statement of the gentleman from Texas [Mr. SUMNERS] calling attention to the avariciousness of the manufacturers and industrialists is fully justified.



But my colleague from Michigan sees only the danger to America because labor is and will continue to organize. If some of the industrialists and their publicists think they can bring about the repeal or emasculation of the beneficial labor laws, they are mistaken. Not only do we need the manufacturers in our preparedness program, but we need contented and satisfied wage earners without whom no wheel could turn.

Mr. Speaker, the Republicans, and even some Democrats, who are viciously opposed to organized labor, endeavor to place the responsibility for the delay in the defense program on the shoulders of organized labor. This I dispute, and to give labor's stand in this situation I insert excerpts from a statement given out by Mr. Philip Murray, president of the Congress of Industrial Organizations, appearing in the New York Times of December 18.

STATEMENT BY MURRAY

In his statement, Mr. Murray said:

The national-defense program is lagging, and public confessions are being made about plane production falling 30 percent below schedule, light tanks production being only four a day, and of other serious inadequacies rampant throughout the program.

Instead of facing the facts and assessing the blame where it belongs, squarely upon the shoulders of industry to whom the defense program has been virtually turned over, unfair efforts are being made to blame labor. It would be well for critics of the C. I. O. to look into and try to understand the tremendous public service which the C. I. O. affiliated unions are rendering this country, before they start their wholly unwarranted and very ignorant sharp-shooting practices against C. I. O. unions in America.

Labor's cooperation in the promotion of the Nation's defense program has been established by its record in the major basic and defense industries of the country.

It is not the intent nor has it ever been the purpose of our C. I. O. organizations to impede, hamper, or restrain the continuity of operations or the constant flow of production where such collective-bargaining agreements are in existence. Nor has this been the result of C. I. O. activities.

We naturally hope and intend to improve our conditions of employment and our wage standards. This we contend is a legitimate, constitutional, and God-given right. We will naturally refuse to yield to the greed and rapacity of certain vicious employers who have no regard for either the needs of their employees or the welfare of the country.

Mr. Speaker, the indirect insinuations and open charges that labor is in any way responsible for the delay in carrying out our defense program have been also clearly answered by William Green, president of the American Federation of Labor, and many others. The real facts are that industry is responsible because many defense material manufacturers have been trying to gouge the Government and, if they persist in this attempt, in most likelihood the Government will be forced to take over some of the plants.

Mr. Speaker, I am not amazed or surprised at the criticism of the gentleman from Michigan or his effort to charge labor with delay in preparedness that may have occurred as reported by Mr. Knudsen, but I do hope that some day in the near future my colleague will realize and recognize the benefits that accrue to the thirty or forty millions of American wage earners due to the fact that they have succeeded in organizing in order to protect their own interests. My colleague never objected to the organization of large trade, industrial, and mercantile interests; the United States Chamber of Commerce or the National Association of Manufacturers. He must certainly realize that they have organized to protect their interests, their rights, and for their benefits. He must realize, too, that organized labor only desires to provide decent living for themselves and their families, to which they are certainly entitled. No man who toils, no matter how much he earns, who belongs to any of the labor organizations has ever accumulated so large a sum of money as to endanger our institutions.

CHICAGO UNDER THE ADMINISTRATION OF MAYOR EDWARD J. KELLY

Mr. Speaker, completing his tirade on organized labor the gentleman from Michigan without provocation turned to me. He started to assail the good name of Chicago and its administration; and it is really for that purpose that I have asked for time to answer the attack. Had the gentleman called attention to the Republican city administration under former

Mayor Big Bill Thompson, or the Republican State administration under former Governor Len Small, he would have been justified. But, surely, he was not justified at this time in assailing and attacking the fair name of Chicago, its people and its officials, because I say without fear of successful contradiction that today the city of Chicago has less crime in proportion to population than any other city in the United States. We have a clean city, and under the present Democratic administration we have paid off over \$40,000,000 of indebtedness which was accumulated under Republican administrations. I recollect 5 years ago, shortly after Mayor Kelly took office, school teachers, school employees, firemen, and policemen of Chicago had not been paid for over a year and a half, all due to Republican misrule. Notwithstanding this handicap, under the splendid, honest, and efficient administration of Mayor Kelly, we have paid off, as I have stated, \$40,000,000 of indebtedness, and, in addition, are keeping up with the current expenditures. We in Chicago have accomplished a great deal, and repeat that we have a splendid city—the greatest city in all the world.

I don't need to emphasize that Chicago is one of the world's most beautiful cities, nor to point out that its boulevards and parks are without parallel. But perhaps the gentleman from Michigan would be interested in a comparison of the Chicago of today, the Chicago under Mayor Kelly, as against the Chicago of a Republican era. Still, I don't believe that the Republicans would really recognize this new Chicago, for many reasons. Take the police and fire departments, as an example. Politics has been taken out of those departments, and crime has been reduced over 50 percent since Mayor Kelly took office. And don't overlook the fact that Chicago runs its police department at 50 percent less cost per capita than New York City does. The fire department has as fine a record, and the Chicago Fire Department is considered by other cities as one to be copied.

When the Republicans ran Chicago—in an era when the depression had the city panic-stricken; when civic leadership was lacking, business in the doldrums, school teachers unpaid, Chicago's financial paper worthless—these Republicans spoke of the great things they were going to do. But it remained for the Democratic administration, under Mayor Kelly, to accomplish these great things. There is the subway system, as just one example. In itself it is a fitting monument to a great administration. There is the saving of over \$80,000,000 in municipal expenditures since Mayor Kelly took office. There is the achievement of keeping the public-school system in operation when the Republicans had cast it upon its own resources. These critics who malign Mayor Kelly, who speak in generalities and talk of machine politics, purposely overlook the progress of the city of Chicago since he took office. They do not tell you of the comprehensive improvements made in the police and fire departments, in the public-health program. They do not mention the miles and miles of street repairs, paving, sewer construction, and general improvement in the city. These developments place the city of Chicago years ahead of any other city in the country. Mayor Kelly has worked for additional public recreational facilities, parks, playgrounds, community centers, beaches, and has carried forward a better-housing program. And these improvements have been made with a minimum of taxes. Under Mayor Kelly, special assessments have been eliminated. Oh, I could go on for hours telling you of the difference in Chicago since Mayor Kelly took office. But it is not necessary that I do so. There are always those who criticize without knowing the facts. There always will be. But when they have long since been forgotten, the city of Chicago, one of America's greatest and most beautiful cities, will have its wide boulevards, its green parks, its sanitarium, its superb libraries and museums, its great water-supply system—all these things, tributes to a great Chicagoan, a great mayor.

MICHIGAN

Why the gentleman from Michigan [Mr. HOFFMAN] should attack Chicago surprises me, for only 2 weeks ago his leader in the State of Michigan, Mr. Frank D. McKay, the national committeeman, together with others, was indicted for fraud and corruption.

I hold in my hand a copy of the Detroit News of November 28, on the front page of which appears in heavy headlines:

United States grand jury again indicts McKay—accused of fraud in pipe-line bond deal.

Now who is McKay? He is the Republican national committeeman for the State of Michigan. With Fred C. Ehrmann, secretary of the State liquor control commission; Isadore Schwartz, reputed to have acted as McKay's bodyguard; William H. McKeighan, former mayor of Flint; Fisher L. Layton, former Flint City official; John H. Marolf; Charles and Earl J. Williams; James A. Trimble; Don Florey; Wellington E. Niles, a purchasing agent for the State administrative board; and Henry Glaster. McKay has been indicted on charges that the State has been defrauded of hundreds of thousands of dollars. One charge is that the sum of \$325,000 was wrongfully paid to McKay and his henchmen. Yet the gentleman from Michigan, in view of this corrupt situation in his own State, has the temerity and nerve to assail the city of Chicago. I was first going to ask leave to insert in the Record the entire article appearing in the Detroit News, which carries an account of the graft and corruptive acts of these high officials of the gentleman's State, but I shall not do so.

#### AS TO THE CHARGE OF DELAY IN PREPAREDNESS

Mr. Speaker, in conclusion, as to the Republican charge that there is delay in defense preparation, the President for more than 2 years has urged and pleaded for a national defense and preparedness program, but of course was violently assailed and attacked by the opposition. So far as I am concerned, I called the attention of the House to the Hitler danger in a speech, which I delivered on March 18, 1938, wherein I warned the country of the necessity of a larger navy and national defense. I am constrained to ask unanimous consent to insert excerpts from this speech, as the predictions I made have followed since then in the course of European affairs. If there had been the slightest cooperation from the other side at that time, our national-defense program would be far advanced and of material help to those countries fighting to maintain democracy.

The matter referred to is as follows:

[From the CONGRESSIONAL RECORD of March 18, 1938]

#### EXPRESSED BELIEF IN SECRET CONSPIRACY 3 YEARS AGO

Three years ago I voiced belief that a secret or tacit agreement existed between Hitler, Mussolini, and Japan, but my warning went unheeded. The strategy practiced by those countries conformed exactly to that predicted by Professor Masaryk, who was intimately aware of Germany's ambitions.

In the Orient, Japan pursued a course toward domination of the yellow races, apparently with prearrangement that Italy and Germany would so engage the attention of the European democracies that interference in China would be impossible.

In Ethiopia, Mussolini's war machine grinded to its conquest while Hitler's silence gave approval.

Internal dissent in Spain, nourished by the dictator countries, finally flamed into civil war, and the legions of Italian and German soldiers took stand in battle against the established government.

Hitler, demanding the return of Germany's lost colonies, only cloaked his purpose of European aggression, and it was long ago clear that he would one day climax the years of planned propaganda in Austria by an invasion of that country. His seizure of Austria is but a prelude of more ambitious plans. Peace- and liberty-loving Czechoslovakia, Rumania, Hungary, and the other small independent nations now see his shadow across their lands—Memel, Danzig, and the Polish Corridor, Alsace-Lorraine, and the much-desired Ukraine.

For the time being, engaged in consolidating his gains, he may utter reassuring words to Poland and Yugoslavia. But they have only to recall his utter disregard of treaties and his oft-repeated statements as to his ultimate aims to realize how necessary it is that they prepare to resist invasion, for invasion is bound to come.

#### AMERICA MUST TAKE NOTE OF WHAT IS GOING ON IN THE WORLD

One may properly ask how does all this affect America? Who knows? In this fateful hour, with all the civilized world well-nigh breathless, I do not feel that we should follow the vacillating policy of Great Britain, who, in the opinion of many well-qualified students of international affairs, may be the next prey of the remorseless triumvirate. Many ripe scholars feel that the suppression of Great Britain will mean the consummation of a plan to form three great powers outside of North and South America. I doubt very much that France, which is fighting domestic problems with her back to the wall, and Russia, despised by the capitalistic groups of the world, could, after the disappearance of the other countries I have named, long withstand being dismembered also. There is not the slightest doubt in my mind but that Hitler, Mussolini, and the raving-mad

Japanese war lords are in a conspiracy to divide the entire world among themselves, or at least as much of it as they can manage to grab.

#### POLISH LEADERS SHOULD NOT FORGET TREATMENT ACCORDED POLES IN PRUSSIA

Great Britain, rather late, is commencing to realize its danger. Does Poland realize her danger?

The leaders in Poland might well hearken back to other days, and consider the former treatment of Poles in Prussia. Recalling this, and viewing the present prejudice which governs in Germany, Poland should properly estimate the future insofar as her relations with that country are concerned.

#### AMERICA MAY NOT BE AS SAFE AS SHE FEELS

Up to about 12 years ago we confidently believed ourselves properly protected against possible attack from any and all quarters; but in view of the increased and ever-increasing knowledge of aviation and mammoth airplane carriers, are we really free from military danger?

If this nefarious triumvirate should effect the dismemberment of the great British Empire, what would become of Canada? Could we still feel free and at ease without present-day Canada?

Only a little while ago I read in the public press about concessions that had been or were contemplated to be granted by Mexico to Japan in Lower California. That recalled to my mind the tentative offer by Germany in 1917, in the Zimmerman note, to give Mexico a part of the United States if Mexico would join Germany, and the offer to Japan of the Philippine Islands in return for military aid. When those audacious offers were first brought to light it was thought they were sheer allied propaganda, but we were convinced of the authenticity of these reports by documentary evidence that came into possession of our Government.

In view of all this and our enemies within, I feel that it behooves us adequately to protect ourselves against even the remotest eventuality. I have heard it said with plausibility that if England had stated her position unequivocally in the early days of 1914, and if America had been prepared in 1916, these acts would have had a most salutary effect, and it would not have been necessary to send millions of our young men across the sea and expend billions of dollars. Consequently, and repeating, I feel that we owe it to ourselves to prepare for any, even the most imaginable possibility. Therefore, I am ready to vote for the construction of a navy and an air force that will be unmistakably adequate for our proper defense.

#### I LIKE TO FEEL THAT I CAN CHANGE MY VIEWPOINTS IN ACCORDANCE WITH CHANGED CONDITIONS

And so, in conclusion, let me say that in view of the alarming world conditions to which I have alluded, I shall vote and work for the passage of the pending bill. This may be surprising to some of the critics who have accused me of being a pacifist, charging that I was against adequate national defense; but let me say to them it is not they who have changed my view. I was just as conscientious when I opposed large Army and Navy appropriations in past years as I am conscientious today in supporting this bill. I have changed my view because and only because world conditions have changed. When I get so old or so benumbed of brain and character that I cannot change my view in accordance with changing conditions and a changing world, it is time for me to be carried out feet first, and I want to be.

I have criticized conditions and things at times, and I shall do so again whenever I see anything that I think merits criticism. But I love this country. I will vote any amount of money necessary to protect it from enemies either within or without. Today, perhaps more than at any other time in its history, the United States of America stands out against the dark and stormy seas of racial persecution, intrigue, conspiracy, and jealousy as the one and only enduring beacon light of hope.

I am grateful to the people of my district for having permitted me for so many years to be a Member of this great American Congress, the greatest democratic legislative body on earth, wherein every man is accorded the unfettered right to say what he pleases. Let us strive to preserve and promote this priceless heritage for ourselves and posterity. I do not expect to be here forever, but I do want the Stars and Stripes and a democratic form of government to endure here forever.

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I ask unanimous consent that I may be privileged to extend my remarks and insert brief excerpts about Chicago and also certain extracts from the Detroit News.

The SPEAKER pro tempore (Mr. COLE of Maryland). Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. DELANEY] is recognized.

HON. CHRISTOPHER D. SULLIVAN

Mr. DELANEY. Mr. Speaker, it is with a feeling of genuine regret that I realize the end of the Seventy-sixth Congress will mark the close of the congressional career of one of my warmest friends and most distinguished colleagues from the State of New York. I refer to the Honorable CHRISTOPHER D.



SULLIVAN, most affectionately known to all of us as Christy, who is voluntarily retiring from Congress after a period of 24 years of continuous service.

It was my privilege to have been a Member of the Sixty-fifth Congress with my devoted friend the gentleman from New York, CHRISTY SULLIVAN. Now, having reached the allotted span of threescore and ten years and because of the heavy responsibilities placed upon him as the leader of Tammany Hall, the great Democratic organization of New York County, he has decided to let a younger man assume the duties of congressional service.

Although not a resident of New York County nor a member of Tammany Hall, yet I feel that I could not allow this opportunity to pass without paying a brief tribute of respect to my good friend and distinguished colleague and to call attention to the fact that after Christy retires from the Congress I shall be the only Member from New York State still a Member of the House of Representatives who served in the Sixty-fifth Congress.

Death and retirement for various causes have taken their toll during the intervening years. The roll call of the Sixty-fifth Congress would find the following Members from New York responding to their names:

Frederick C. Hicks, Port Washington; Charles P. Caldwell, Forest Hills; Joseph V. Flynn, Brooklyn; Harry H. Dale, Brooklyn; James P. Maher, Brooklyn; Frederick W. Rowe, Brooklyn; John J. Fitzgerald, Brooklyn; John J. Delaney, Brooklyn; Daniel J. Griffin, Brooklyn; William E. Cleary, Brooklyn; Oscar W. Swift, Brooklyn; Reuben L. Haskell, Brooklyn; Daniel J. Riordan, New York City; Meyer London, New York City; Christopher D. Sullivan, New York City; Fiorello H. LaGuardia, New York City; Thomas F. Smith, New York City; Peter J. Dooling, New York City; John F. Carew, New York City; George B. Francis, New York City; Walter M. Chandler, New York City; Isaac Siegel, New York City; G. Murray Hulbert, New York City; Jerome F. Donovan, New York City; Henry Bruckner, New York City; Anthony J. Griffin, New York City; Daniel C. Oliver, New York City; Benjamin L. Fairchild, Pelham; James W. Husted, Peekskill; Edmund Platt, Poughkeepsie; Charles B. Ward, DeBruce; Rollin B. Sanford, Albany; James S. Parker, Salem; George R. Lunn, Schenectady; Bertrand H. Snell, Potsdam; Luther W. Mott, Oswego; Homer P. Snyder, Little Falls; George W. Fairchild, Oneonta; Walter W. Magee, Syracuse; Norman J. Gould, Seneca Falls; Harry H. Pratt, Corning; Thomas B. Dunn, Rochester; Archie D. Sanders, Stafford; S. Wallace Dempsey, Lockport; Charles B. Smith, Buffalo; William F. Wadlow, Buffalo; Charles M. Hamilton, Ripley.

Having enjoyed such a warm friendship and close association with CHRISTY SULLIVAN for so many years, I shall greatly miss his companionship in the next Congress. He is a man who possesses the finest traits of character and all of the sterling qualities of manhood, a man of recognized ability and demonstrated devotion to public service. He has rendered faithful and patriotic service to his district, the great State of New York, and the Nation as a whole.

Mr. SULLIVAN served on various committees with great credit and distinction, but because of his well-known trait of modesty, he never accepted a chairmanship. The goal to which many Members aspire to complete their period of service in the House of Representatives and the only committee in the House to which Democratic Members must be elected by a party caucus is the Committee on Ways and Means. Mr. SULLIVAN is now completing a decade of distinguished service as a member of this committee, where he has served for many years with his friend and colleague from the State of New York, the Honorable THOMAS H. CULLEN.

After nearly a quarter of a century of distinguished congressional service, CHRISTY SULLIVAN may leave with the assurance that he enjoys the fullest measure of confidence, respect, and esteem of his colleagues who have served with him and that he has their sincere best wishes for his continued success in his field of chosen endeavor. [Applause.]

The SPEAKER pro tempore. Under special order of the House heretofore made, the gentleman from Alabama, Mr. PATRICK, is recognized for 20 minutes.

#### NATIONAL DEFENSE

Mr. PATRICK. Mr. Speaker, the gentleman from Texas, chairman of the Committee on the Judiciary [Mr. SUMNERS], came before us day before yesterday and spoke on the same subject, as near as I could get it, that I wish to talk about

for a few minutes today. I could not get entirely what the gentleman had in mind, I will confess. He got me all enthused and then left me sort of mystified, got me inspired and then did not tell me how to work my inspiration off. I am one of those fellows, I believe, the gentleman from Texas refers to them as "top-water thinkers." I am one of those, I suppose. Being one of those top-water thinkers I have to have it made pretty plain, set out in metres and bounds, before I can understand exactly what is being reached as a conclusion. So in this case he made me fall in love with the girl and then did not introduce me to her.

Among other things, he said, "The heart of America is sound." That is what the chairman of the Judiciary Committee said. Well, I got that; at least, phonetically I got it. But we are also interested to know whether her judgment is sound. We want to know even if her money is sound. We certainly want to know if the philosophy behind her judgment, and incidentally behind her money, is sound. If we feel satisfied that it is, then we can work with so much more comfort in what we call legislation.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I gladly yield to the distinguished gentleman from Massachusetts.

Mr. McCORMACK. During the course of the remarks of the distinguished chairman of the Judiciary Committee he referred to the phrase used by the President in his veto message, "the luxury of the courts." My distinct impression is that the President used that expression in the sense of the cost of court proceedings. Every lawyer knows that if a client is poor, the cost of court is very prohibitive, no matter how small the case may be.

Mr. PATRICK. Incidentally, while I am a lawyer, I am afraid many of my own clients have found their court proceedings were luxuries, whether they wanted them to be such or not. They went in them as a necessity, in many instances, and came out finding them nothing more than a luxury.

Our destiny is to have not merely unto ourselves a country in this world—to live in it, away off to ourselves, to find ourselves a land and make of it our land, but vastly more. We must be willing to serve it. We must be willing to accept truth, accept the facts about national life, and we must strive to at least make of this the best we can in the Nation. We must strive to lash our Nation to the shores of eternity with bonds of steel, bonds that will guarantee safe anchorage for those who are to follow us.

#### "IF GERMANY WINS"

Hitler looks toward Paris today and boasts, "Nothing can stand in the way of the German soldier"; Goering points to the west and announces with words of purported finality that much has been accomplished for the cause of "the people"; Goebbels rides at night through the villages of northern France and declares that France sleeps well under German influence. I do not believe it. It is my belief that Hitler represents the forces of might; might that worked while the French patriot trusted too much those who then slept on the job, thinking a Maginot Line and a love of liberty rendered France safe from any probable force, and, therefore, failed to prepare while a hostile neighbor was sowing militarism with his spring plowing and who grew armaments even as he raised his crops of grain and raised his children; but Goebbels reckons against the certain history of men when he thinks all France is asleep because he sees no flare nor stir among her quiet peasant villages as he drives along under her stars at night. How many a sturdy young heart is beating in the breast of a youth awake in an unlit home? How many a hushed exchange went on today between neighbors? This is France, France the land of Lafayette, of Joan de Arc, of true patriotic zeal—as Vincente Ibanez's figure spoke in the Four Horsemen of the Apocalypse—

And if they should enter, what does it matter? The course of Right will not die. It suffers eclipses, but is born again; it may be ignored and trampled underfoot, but does not therefore cease to exist; and all good souls recognize it as the only rule of life. A nation of madmen wishes to place Might upon the pedestal that

others have raised to Right. Useless endeavor! The eternal hope of mankind will ever be the increasing power of more liberty, more brotherliness, and more justice.

I believe Hitler is an exponent of force under a totalitarian rule; that his flaunted new order is a doctrine that tends to degrade men and to render them less free and less self-respecting. Believing that, I believe as confidently as I believe in the ultimate triumph of right that if those who represent the forces of liberty and of brotherliness and justice will do their duty in this hour, the Axis Powers will be thrown back in defeat.

Furthermore, I believe it is our duty now, that as we believe in our form of government, and since the forces of totalitarianism have marched against it, and since the loud voice of totalitarianism has proclaimed its benediction, declaring it outmoded and unworkable, that it is our stern duty to give every aid and comfort at our command to those who are at present fighting the battle of democracy across the seas. Apparently Fate has not decreed that our part shall be to attend the conflict in person. I do not see any impending change that will call for more than foodstuffs, fighting material, and the like; but it does seem that we should, if we love and believe in our form of government, be, without stint or hesitation, ready to throw all we may into the provisions boat of those who today fight our battles in Europe.

I believe that is the feeling of the great majority of the people in our United States. Our greatest draw-back perhaps remains the isolationist, who still is able to make his voice heard in high places, the man who with wishful phrases and unfinished thinking would imagine that some great unknown preventative will save us from our own folly and neglect if we will piously declare that we are too good to be approached by any foe and will let out no effort until the lion is upon us. This in a world of aggression in which war has already been declared upon our very theory of the government of men among men. This when a foe who says he is our foe, an announced foe, an armed and prepared foe, is already establishing his organization and developing his "fifth column" on our shores. For the life of me I cannot see what is blinding the sight of our gentlemen of the isolationist faith.

Furthermore, it is my earnest conviction that we must find a way to eradicate all ideas of conflict between those who fight for the same thing. In this connection we ought by no means to have any even apparent conflict between the Dies committee and the Department of Justice. An apparent conflict is unfortunate because it tends to make people feel there is an issue when none exists, think there is American weakness where there is not. The minority on this floor without confining themselves to the province of criticism, which is theirs by right, have sought, not to hinder the program, but have criticized us for not going forward with the defense program more speedily and effectively.

That is a wholesome and encouraging thing. That shows that the end in view and the purposes of Americanism are not a group of divided purposes. In fact, it is not purposes at all but one purpose.

The "new order" for which the Axis is today throwing in its years of labor and offering up its young men on the altar of war is not a thing to be confined to Europe. No pretense that it could be confined to Europe is made. It is an open bid for a way of life, an order to run throughout the world. Germany began by shouting: "We are encircled. Our breath of life is being cut off. We are a great and superior people. We are not to be encircled, circumscribed, surrounded," as we would call it. "We can and will break it up."

That is and has been Hitler's cry. Break up what? Democracy—no less. It is more social than territorial in its nature. One Hitler speech certainly, the most recent one, is enough to cite as to that statement. Perhaps, after all, we made our great national mistake in 1920. We refused to go into a World Court necessary to carry out the point we thought had been won by victory and arms. We foolishly felt that when Germany surrendered the point had carried and the world was safe for democracy. Germany did not think so. So it was not done. The Allies missed the bus then even after they had hailed and brought it to a stop, a dearly

bought stop. And the United States became or pretended to become an isolationist nation. That is now history, of course, and it is behind us, but it mirrors to us facts which we must today acknowledge. It startles us but it should startle us.

There is no possible way to mistake the fact that every advance the axis makes in Europe is a march against our form of government and way of life and a threat to us. It is surprising to recently be able to hear the term "if Hitler wins" come from the lips of the isolationists. It is inconceivable that one can believe in and rely upon the American way and remain an isolationist, thinking there is even the remotest chance of a win by the axis, and still hold to his belief. That is how I feel. The only way I could be an isolationist would be to feel so sure of ultimate victory for the Allies that our case could safely rest there.

It is as certain, Mr. Speaker, as the existence of life and of the pursuit of man's ambition that were England to lose, Germany would come into prompt command of the control of the trade of the high seas and that could and would mean but one thing for this country of ours—war—war with the odds against us. Yet I am not today making any plans to live in a world in which the greatest human influence and control is a man with a mackerel eye and a Charlie Chaplin mustache. I would not be interested in the acceptance of an order that would choke to death the very principles democracy is based upon. Isolationism is at this time the most short-sighted, weak, and hopeless philosophy that I can conceive being advanced to a nation like ours, confronting what she today sees before her.

I think now England can win the war if we will only do our part, and I mean if we do what we should. But we should hasten along. Perhaps we do not have to, but I feel that we should repeal the Johnson Act and certain curtailing neutrality legislation, merely to provide elbow room in case something comes up with which they will interfere, because, as the President so plainly stated in his interview with the press yesterday, a way has been found, and I think we are convinced now that while President Roosevelt is not an indispensable man he is a mighty handy man to have around in times like these. I think we are also convinced that Mrs. Roosevelt is not doing his thinking; neither is Mr. Landon, because neither of them hit the bull's-eye as to the idea that the President had in mind to furnish proper aid to England.

Mr. HOFFMAN. Will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Did the gentleman notice in the press that Mrs. Roosevelt was supporting a bill that I introduced, namely, one to stabilize prices?

Mr. PATRICK. I did not notice that, but I am glad to see it. Maybe the gentleman and Mrs. Roosevelt may get together on something, since the gentleman and Mr. John Lewis got together.

Mr. HOFFMAN. We did not get together on the election because we did not accomplish anything.

Mr. PATRICK. I was not surprised. After all we are all Americans, I may say to the gentleman from Michigan, and we should stand together on some things.

Mr. HOFFMAN. Yes; the defense program, for instance, and we are glad that the President is back so we can accomplish something.

Mr. PATRICK. I appreciate the gentleman's compliment.

Mr. HOFFMAN. I would not attempt to argue with the gentleman if he expressed an opinion.

Mr. PATRICK. I am sure the gentleman has had opinions in the past, but he has never expressed them before in public.

Actually for more than 150 years our Nation operated as a great Government of separate States. So now that is something to offer the world at this time. Whatever happens at the end of this war the world will not be exactly in the same shape it was in. Now we have something to offer in the form of government that is and has been ours for all these years. We need not feel that Germany is going to be offended so long as we are powerful enough to stand in her way. The offense that Germany recognizes is that of being a small nation and in a position to be assimilated, and the smaller and more helpless the nation the greater waxes her indignation



and her fury. Yet Herr Hitler has the audacity to nominate the axis as a have-not fighting the haves. The time has come in this world, I fear, when unfortunately it is unsafe for any nation to be a small nation without the strengthening support of something to give it vigor and power to defend itself. America has that. America has a United States that has run these 150 years. We can show the world that a democracy of separate States has and will work as one country. Whenever victory is won in any measure by the totalitarian governments and the Axis Powers across the sea, it is a denial of the truth of the success of our way of government. The axis' new order is a binding together for totalitarianism as ours is a binding together for democracy, great enough to protect and strong enough to preserve the integrity of each State.

I favor fearless assertion of this position by my country. I want us to adopt with confidence and with enthusiasm the plan advanced by the President in his press interview on yesterday and want to see us speed up the program and the plan that will help sturdy, faithful democratic peoples establish more firmly than ever the right of man to live and be undiminished in his hopes, loves, ambitions, freedom of right of worship, and to save mankind from the reducing influence, the degrading influence of totalitarianism, and the ambition of the ruthless fanatic. I thank you.

[Here the gavel fell.]

The SPEAKER. Under a special order previously entered, the gentleman from New Hampshire [Mr. STEARNS] is recognized for 5 minutes.

#### GREECE

Mr. STEARNS of New Hampshire. Mr. Speaker, from the dawn of European civilization the name of Greece has stood for the great human ideals of freedom and democracy. In the fifth century B. C., when the western world was faced by the threat of conquest by the armed forces of the mighty totalitarian power of that day, Persia, it was the Greek people that stood as a barrier to the Asiatic conqueror. The names of Marathon and Thermopylae are immortal reminders that the battle is not always to the strong, but that spiritual values may have power to conquer material might.

Again in the fifteenth century of our own era, the Greeks stood opposed to the tidal wave of Mohammedanism that was sweeping all before it on its westward course. This time the burden was too great, and the failure of the western European nations to recognize their own interest in the contest meant the rule of Islam in the Balkans for 500 years.

Again at the opening of the nineteenth century the name of Greece was on every tongue when her hardy sons, opposing their apparently puny strength to the Ottoman overlord, strove to regain her freedom. Nowhere was this struggle of a brave people to be free watched with more sympathy than here in the United States. In his annual message to Congress in 1822, President Monroe gave official expression to the interest of our Nation in stirring words:

The mention of Greece fills the mind with the most exalted sentiments and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favor of public and private liberty are associated with our recollections of ancient Greece. That such a country should have been overwhelmed and so long hidden, as it were, from the world under a gloomy despotism has been a cause of unceasing and deep regret to generous minds for ages past. It was natural, therefore, that the reappearance of those people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their favor which have been so signally displayed throughout the United States.

Since that day Greece has won its independence, and despite almost insuperable obstacles of poverty, geographical exposure, and international intrigue has maintained and strengthened it. At the beginning of the present war the Greek flag was on every sea, and the Greek people were advancing steadily in education, in commerce, and in all the arts of peace. Forced by the poverty of their homeland to seek a living abroad, many of her sons have made for themselves an honored name in other lands, and in none more so than in our own, where no racial community stands higher

in its reputation for eager intelligence in contributing to the commonweal.

Today again, as in the past, Greece finds herself fighting the battle of civilization against despotism, and fighting it with the same heroic courage that she did 2,000 years ago. Nowhere even in the present shipwreck of international law has aggression been more unprovoked or unwarranted; nowhere have the odds seemed more clearly against the victim; and nowhere has the instant and spontaneous resistance of a free people met with more thrilling success. In a time when many people are basing all their expectations of victory on the preponderance of material strength, we are reminded by the heroic offensive of the Hellenic army, as by the heroic resistance of the people of Britain, that there are imponderable forces that can tell against the juggernaut of brute force.

I believe it would be contrary to all our traditions if some recognition were not given, in this assembly of the representatives of a free people, to this heroic battle of a people struggling to maintain their freedom; I believe further that our Government should take cognizance of this heroism, and of our traditional friendship for Greece, by extending its assistance in some form.

We are committed, thank God, to furnishing all possible assistance to Great Britain, and this need is so urgent and our unreadiness, unfortunately, so great that this must take precedence of any other commitments if we are not to be too late. But while realizing how much Great Britain is doing in the Mediterranean area, and that every additional ounce of help we give to her increases her power to help Greece, I still hope that it may be possible for us in some direct way to give concrete expression to our admiration for the Greek people in this latest phase of their age-long fight against oppression. [Applause.]

#### PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. Under a special order previously entered, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 5 minutes.

#### LABOR'S REAL FRIENDS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein excerpts from certain newspapers.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the gentleman from Illinois [Mr. SABATH], with whom I have no personal quarrel, persistently attempts to brand me as being unfriendly to labor. He assumes to speak for labor. But his remarks might be construed, though he does not so intend, as an aid to those who prey on labor. He overlooks the fact that the vote in the Fifth Illinois District which he received at the last election was 35,637; that his principal opponent received 14,540; that his district is a comparatively small district if population and employment be the test.

In the Seventh Illinois District the Republican candidate who was defeated by less than 9,000 votes, received 220,793 votes. The defeated candidate in the Illinois Seventh District received more than 6 times as many votes as did the winning Democratic candidate [Mr. SABATH] in the Fifth Illinois District.

In the Fourth Michigan District the Republican vote was 65,667, and the majority of the Republican candidate was 25,224, lacking but a few hundred of being within 10,000 of the total vote received by the gentleman from the Fifth Illinois District [Mr. SABATH]. And thousands of the voters of the Fourth Michigan District are workingmen. My home town has a C. I. O. union.

The gentleman from Illinois [Mr. SABATH] is completely mistaken in his charge that I am unfriendly to labor. He fails to make the distinction, and that failure is characteristic of those who think as he does, between the man who works and the man who exploits the worker. I will do anything within reason to aid the man who works. I will do

everything I can to expose the labor racketeer. There is no truth or justice in the insinuation of the gentleman from Illinois [Mr. SABATH] that I am unfriendly to labor.

I favor legislation which will secure to employees the right to bargain collectively through representatives of their own choosing, something which the present N. L. R. A. professes to give but which it does not, under the rulings of the N. L. R. B., accomplish. Proof of this is found in the decisions of the United States Supreme Court in more than one case.

I am unfriendly to labor racketeers. The gentleman from Illinois [Mr. SABATH] has never drawn the distinction between honest, patriotic union men and criminal racketeers, so many of whom ply their profession in the city of Chicago.

Many times have I spoken on the floor of this House in behalf of the man who desires to work. I hold no brief for any industrialist or business executive. So far as I know, no Member of this House would assume to defend any one of them engaged in any unjust or unlawful practice.

On the other hand, I have listened in vain for the gentleman from Illinois [Mr. SABATH] to utter one word of criticism, of condemnation, of any union racketeer, of any convicted union criminal racketeer.

The union men that I oppose, whose practices I condemn, are men who are injuring the cause of labor; who at the present time are delaying our national-defense program.

The gentleman suggests that my conduct has behind it political motives. Again he is mistaken.

The State's attorney of Cook County is a Democrat. I here quote an article from a great daily newspaper of Chicago, The Chicago Tribune, under date of December 16, 1940, which describes the kind of so-called union officials that I condemn. That article is as follows:

**CRIME RECORDS OF UNION BOSSES BARED IN DRIVE—COURTNEY WILL SEEK TO CUT OFF FLOW OF CASH**

State's Attorney Courtney, it was learned yesterday, has laid out an intensive campaign against racketeering union leaders which he plans to put into effect with the advent of the new year.

His strategy will be to cut off the gangster's sinews of war—money. He plans to make sure that the control of legitimate unions is kept from the remnants of the old Capone mob, now headed by the astute Frank Nitti. The rich treasures of these organizations offer an even more lucrative field for exploitation than the handbook and slot-machine rackets, which also continue under attack by the State's attorney's office.

**STUDIES POLICE RECORDS**

Another aim of the prosecutor is to prevent men with police records—and already identified with labor organizations—from remaining in key positions in Cook County unions. Many of them have been duly elected and cannot be forced out of office, but the State's attorney's police have orders to keep close watch on them and see that their influence is minimized by scrutinizing elections when these office holders come up for reelection. The prosecutor will see to it, he asserts, that intimidation will not play a part in these elections.

Police have compiled the records of many of the present union officials who have been engaged in shady dealings or have been taken into custody. The list is a long one.

**SOME OF THE RECORDS**

Some of the better known possessors of records are—  
Max Caldwell, business manager of Retail Clerks' International Protective Association: April 25, 1932, 6 months' probation on charge of assault with deadly weapon; July 1934, indicted for conspiracy, found not guilty in June 1935; October 28, 1937, charged with assault, acquitted.

J. Livert (St. Louis) Kelly, president of Negro Bartenders', Waiters', and Waitresses' Union, Local 444: August 7, 1924, fined \$5 as inmate of disorderly house; April 16, 1926, bonds forfeited on similar charge; January 9, 1929, 1-year probation on charge of carrying a gun; March 6, 1931, fined \$2 for disorderly conduct; July 6, 1934, bonds forfeited on confidence-game charge, changed to violation of bail-bond law.

**FREED ON ASSAULT CHARGE**

Louis Romano, just resigned as president of Bartenders' and Beverage Dispensers' Union, Local 278: June 20, 1923, charge of murder not prossecuted; June 10, 1927, fined \$25 for disorderly conduct; August term 1928, grand jury voted no bill on charge of assault to kill.

Charles Youngblood, business agent for painters' district council: February 26, 1920, fined \$200 and costs for disorderly conduct; February 28, 1920, sentenced to Joliet Prison for robbery, paroled in 1925; June 5, 1928, returned to Joliet for parole violation; December 24, 1928, released on writ of habeas corpus; January 17, 1929, returned to prison from writ hearing; February 3, 1930, reparaoled; March 15, 1939, shot and wounded and would give police no explanation.

George Meyers, business agent of Glaziers' Union, Local 27: June 30, 1930, charge of conspiracy quashed. September 19, 1933, fine of \$200 and 6 months' probation on charge of assault and battery.

**STILL IN PENITENTIARY**

Gus Novotny, business agent of Upholsterers' and Furniture Workers' Union, Local 18: March 7, 1938, sentenced to Joliet, 1 to 10 years, for malicious mischief; June 16, 1939, sentence affirmed by Illinois Supreme Court; July 29, 1939, entered Joliet; still there.

Eugene O'Connor, business agent of Tent and Awning Makers' Union, Local 9: December 20, 1919, received at United States detention barracks, Leavenworth, Kans., as Army deserter; May 14, 1923, fined \$10 for disorderly conduct; October 4, 1930, fined \$50 for disorderly conduct; May 12, 1932, 6 months' probation for disorderly conduct.

Oscar Kofkin, vice president and business agent of Taxi Cab Drivers' Union, Local 777: October 17, 1930, fined \$2 for disorderly conduct. Later arrested three times on similar charges, all dismissed; January 18, 1938, dismissed on charge of carrying deadly weapon.

**SENT TO REFORMATORY**

Nicholas (Dean) Circella, representative in Chicago of George E. Browne's State Employees International: December 13, 1915, plea of guilty to robbery and given probation for 1 year; September 14, 1916, sentenced to Pontiac Reformatory after plea of guilty to assault to rob; four charges of robbery stricken off; September 1, 1921, paroled from Pontiac; April 23, 1923, discharged from parole.

George B. McLane, business representative of Bartenders' and Beverage Dispensers' Union, Local 278: December 22, 1922, found not guilty of robbery, charge of assault to murder stricken off.

Maurice Timpanaro, financial secretary of Cooks' and Pastry Cooks' Union, Local 88: May 1928, arrested in Kenosha, Wis., as bombing suspect; June 24, 1933, arrested in Elmwood Park for breaking windows; August 20, 1927, arrested in Des Moines, Iowa, for investigation.

**RELEASED ON MURDER CHARGE**

James Blakely, president of Miscellaneous Hotel and Restaurant Employees Union: January 30, 1935, arrested and held to criminal court in bonds of \$10,000 on charge of attempting to murder his wife, released when she refused to testify.

Thomas J. Burke, president and secretary-treasurer of Theatrical Janitors' Union and first vice president of Building Service Employees' International: March 11, 1925, fined \$100 on charge of carrying a gun (under name of Joe Gould); October 12, 1933, arrested in St. Louis, Mo., as suspect, released; April 14, 1938, arrested in Detroit, Mich., no charge, released.

William Bosel, member executive board of Bowling Alley and Pin Setters' Union, Local 25-B: February 26, 1932, sentenced to 6 months in the bridewell for petty larceny; July 24, 1933, fined \$1 and sent to bridewell for 5 months on charge of contributing to delinquency (original charge was rape).

**RECORDS OF SCALISE AND BIOFF**

Probably better known to the public than any of the above are George Scalise and William Bioff, each of whom has served time for criminal activities.

Scalise became eastern representative of the Building Service Employees' International Union in 1934. In 1937, with the aid of gangster connections, he took over the presidency of this union and inaugurated a reign of terror among the other officers, who were allowed no voice in the affairs of the union.

Regarding the treasury as his private property, he arbitrarily raised his salary from \$12,000 to \$20,000. He also took huge sums for expenses and these were never accounted for. When it was disclosed that he had once served a term in the Federal penitentiary for pandering, his union career came into the limelight. Recently, in New York, he was convicted of stealing from the international and was sentenced to 10 to 20 years in prison.

**INDICTMENTS PENDING HERE**

Still pending here are indictments, obtained by Courtney, charging Scalise with embezzling \$118,000 from the 70,000 union members, most of them elevator operators, scrubwomen, and janitors.

Bioff was tried in Chicago in 1922 on a charge of pandering and was sentenced to 6 months in the bridewell. An appeal was taken and failed, but Bioff didn't go to jail. He stayed out and grew into a labor leader.

In 1936 he went to the west coast as representative of George E. Browne, president of the International Association of Theatrical Stage Employees, and became the boss of 35,000 members of the union.

From the Washington Post I include a description of so-called union activities which deserves the attention of every Member of the House:

**CARPENTER TELLS OF ATTEMPTS TO GET DEFENSE JOB**

To the EDITOR OF THE POST.

SIR: No one can make me believe there isn't something screwy about this defense program. The Post of December 13 prints a statement by Representative TABER, of New York, declaring that a shortage of skilled labor is slowing up the defense program, construction of barracks, etc. The truth is that union-labor leaders are the ones slowing up the program.

I am a carpenter, and a good one. I can take my box of tools and go on a job and do anything that is required of a carpenter to do. On the 14th of November I went out to Fort Meade and applied for a job. I was told that I could go to work immediately, but as it



was raining hard and I was not dressed for working in the rain I was told to report Monday, November 18, when I could go to work. On Monday when I went out there, expecting to go to work, I found between 2,000 and 3,000 men, both white and colored, being herded around and formed into four long lines in front of the windows of the employment office.

There was no way to obtain any information, the military police not knowing anything. There was no system, no loudspeaker telling the crowd which windows to go to or whether anyone would be hired or not. It was a cold, raw day and many were thinly dressed. There were men there from nearly every Eastern State. Many, like myself, had been told to report that morning to go to work. I stuck around until 11 o'clock, when I saw one carpenter given an order to go to work. I talked to him and found that he had been in line from 7 a. m. He had to join the union first and was thereby given precedence over others in the line. I was watching closely and did not see any of the lines advance a single foot in 3 hours. It was easy to see that at the rate men were being hired that mob of men wouldn't be hired in a month of Sundays. Yet it is being printed in the papers every day that there is a shortage of skilled labor.

Figuring that if it was necessary to join a union before getting a job I might as well join the Washington union and thereby get the Washington pay, I came back to Washington to the union headquarters here. Two or three hundred men were grouped on the sidewalk in front of the offices. The door was locked and the office filled with men. Soon word was passed out that no work permits would be given out and no new members taken into the union. The crowd, disappointed, slowly melted away.

December 5, I called up the offices of the contracting company at Fort Belvoir and inquired if they were taking on carpenters. They said that if I could read blueprints to come on down and they would give me work. I went down to the employment offices that afternoon and talked with the employment man. He inquired of my qualifications and said that if I joined the union I could go to work in the morning, as they needed men who were qualified. He likewise asked me if I could trim, build stairs, and read blueprints. I told him that I could not only read his blueprints but make them for him if need be.

I immediately returned to the union headquarters in Washington and was told by the girl in the office that no work permits would be given out before Friday afternoon and possibly not before Monday morning at 8 o'clock.

Monday morning found me in front of the headquarters in a line of men reaching from the office door to the curb at Tenth and K Streets. At 9:30 word was sent out that no one would be given work permits nor allowed to join the union that day. No date was announced when one could join the union. The crowd faded away.

Now, somebody is lying. I talked to men in that crowd who had been promised jobs the same as I had if I joined the union. The papers say there is a shortage of skilled labor. But if you can't work unless you join the union, and if the union will not take you in, how is the Government going to obtain the skilled labor needed to do the work? There is something screwy somewhere. I know carpenters who have gotten jobs. A man who worked with me on another job got in and drew down \$90 for his first week's pay. I know other men who were just as good who couldn't get in. It looks like many are called, but few are chosen.

But I know there is no scarcity of skilled carpenters around Washington, and if the Government can't get them it is because of the ruling that only union members are allowed to work on Government jobs, and the unions are holding the whip hand over the Government. The unions might be able to fool Mrs. Roosevelt and some others, but they are not fooling the ones who do the work. With the papers filled with the unpatriotic sabotage of labor unions throughout the country, it is amazing the indifference manifested by our Congress and officials who are charged with the protection of our Nation, but still more amazing is the active encouragement held out to these un-American groups by those who have sworn to protect the people. The Post has carried reports of the activity of the Governor of Maryland and the Representative from the Sixth District of Maryland in encouraging the work of the C. I. O. in Maryland. Evidently they take the position that they are the duly elected officials of the C. I. O. instead of the State of Maryland.

The Department of Labor was brought into existence in order that the laboring people of the Nation might have someone to speak for them in the affairs of government, but it has turned out that the Department of Labor is the sounding board of union labor and that the millions of laborers of the Nation who do not belong to organized labor have not only no one to speak for them but they are discriminated against by the very ones who should protect them. What a travesty. What a burlesque on fair play, honesty, and square dealing in government, that the strong and well organized should have the backing and active support of the Government, while the unorganized, the weak, and poorly paid are neglected, discriminated against, and hounded. Organized labor has little right to yell "unfair, unfair," when it is the unfairest thing in the world. I often wonder if Katharine Hepburn, the great advocate of organized labor, ascertains if every purchaser of a ticket to her shows is a union laborer. Surely she would not want to receive any money but union money. Is the C. I. O. the only taxpayer in Maryland that the Governor and Representative from the Sixth District get their salaries from? Is organized labor the only source of revenue whereby our public officials are supported and thereby no one else should be permitted to share in the benefits of government? Are the C. I. O. and the A. F. of L. to be the sole

beneficiaries of Government largess, while all the rest of the Nation labor for their benefit? It can easily be proven that organized labor pays less into the Government in the form of revenue than all the rest of the country, so there is no reason why they should receive a larger share of the Government's favors than any other class of citizens. Still the cry of "unfair, unfair," like the cry "unclean, unclean," by the lepers of old is the plaintive bleat of the big, strong labor unions. Appropriately enough, organized labor is not only unfair to society at large, but it is unfair to the country, to labor, and to themselves. It is unpatriotic, it is certainly un-American, and it is doing more to hinder, hamstring, sabotage, and delay defense than any other influence in the Nation today. The Army announces that it is behind with its program of housing the draftees, Knudsen warns the country of the lag in plane construction, and the National Guard lacks housing facilities all because union labor controls the bottleneck between plans and production. America is courting the doom of France. Unionism ruined that nation. How long are the President, Congress, and the people of this country going to stand helplessly by and allow a gang of ruthless, selfish gangsters in the guise of union leaders wreck this country? Let no one claim there is lack of skilled labor while unions stand between the worker and the job.

A SKILLED CARPENTER.

TAKOMA PARK, MD., December 15.

This skilled carpenter is not alone in his demand that American citizens be treated fairly.

OPPORTUNITY FOR THE MAN WHO WANTS TO WORK. JUSTICE TO THE TAXPAYER

"Equal justice under law," runs the legend over the entrance to the Supreme Court building.

Equal opportunity for the unfortunate should be the motto of the administration. We have heard not a little about the "princes of privilege," the "privileged class," about the one-third who are "underprivileged." The occupants of the White House have been vociferous in their protestations against businessmen, industrialists, those who furnish the money to create jobs. Administration spokesmen have been bitter in their criticism of those who have, loud in their insistent demands that those who have not shall be given more.

But the administration's acts belie its words. The administration refuses to be practical right here in Washington.

The average number of unemployed during the month of October 1940, which are the latest figures available, as given by the A. F. of L., was 8,130,000; as given by the C. I. O., 8,919,000, and the total money appropriated during 1939 for relief, exclusive of special agencies such as the Youth Administration and other miscellaneous forms, was \$2,612,299,052.

Here in Washington, at this Christmas season, hunger and cold are the portion of many and not long ago it was stated that the relief rolls were growing larger. Billions of dollars have been appropriated for relief; billions of dollars have been appropriated to make work, to create jobs, in order that those who had no jobs might be given employment.

Here in Washington, Federal employees, who receive compensation out of tax money, for the Government has no other money, employees of the District, who are paid in part out of Federal money, are depriving the unemployed of the opportunity to stay off of or to get off of the relief rolls.

District and Federal employees belong to a privileged class. They are protected by the civil-service laws. They are secure in their jobs. They know the amount of compensation which they may expect before they make application for a job. They are favored by being granted 30 days' vacation with pay—a longer vacation than is granted to any other employee anywhere in the United States. They are given 15 days' sick leave with pay—more time than is given to any other employee anywhere in the country. In all, they have 45 days' vacation with pay.

They have a short workweek. They have a short workday. The average number of hours during which they work to earn their compensation is far less than that of any other class of employees.

Federal and District employees were granted vacations and sick leave, first, because it was said that every worker needs time from toil to build up against the body waste and the mental strain caused by continuous service. One of the reasons for granting a vacation of 30 days with pay was the plea that many Government employees living in the District could not benefit from a shorter vacation for the reason that they could not go to their old homes out in the

States to see their friends and relatives and return to their work in a less period.

What is the result? Instead of accepting their jobs and their compensation, their short day, their short week, and being satisfied to let others who were without jobs or others who, having jobs, find it difficult to earn a livelihood so that they can enjoy average living conditions, have an opportunity to work, many of these District and Federal employees are crowding other workers out of an opportunity to be employed.

Is there any reason why this Government should set aside from the money collected from workers a sum to give a certain class of employees, namely, District or Federal employees, jobs on the public pay roll and, at the same time, permit those employees to work at jobs when, as a result, more Federal money must be appropriated to take care of those who are thus thrown on public relief or deprived of employment?

As long as there are not jobs enough to go around there would seem to be no reason why employees paid by the public, working on one job which they were glad to accept, in which they are protected in every way, should be permitted to deprive others less fortunate, some who are hungry, some who are practically destitute, of the opportunity to work.

It would be a fine exhibition of the Christmas spirit if those who are secure in their jobs, who are certain of their pay checks, would just step back and quit depriving the man or the woman who is dependent, or who has a family dependent, upon his or her ability to obtain work, from getting that work.

Chris Panagos, president of the District of Columbia Cab Drivers Mutual Benefit Club, entered his protest today and stated that there were between 700 and 1,000 District or Federal employees who were driving cabs, either on leave of absence from the Government while receiving pay, on leave of absence without pay, or after they had finished their daily work with the District or Federal Government.

He wanted to know why it was that the cab drivers, who, he said, have great difficulty in earning enough so that they might enjoy the American standard of living, should be forced to come into competition with Government-paid employees.

He also wanted to know how a Government employee, who worked 6 or 8 hours, could be expected to be a safe driver, if, upon finishing his work for the Government, he put in 6 or 8 additional hours attempting to drive a cab.

Some are also curious about the wage-hour law, which limits the work to be done in a week in some classes to 40 hours, but which apparently permits the Government employee to work a 30-hour week or a 40-hour week for the Government, and then put in an additional 4 or 6 hours per day in private employment.

The District of Columbia has sent up a list of those in the District's employ, who are paid in part from the appropriation of public funds, which shows that, as of December 10, approximately 1,000 of the District employees were on leave. How many of these are driving cabs, working for private employers, or working on jobs where they are paid in part out of tax money, no one seems to know.

Nor is there any reliable evidence showing the number of Federal employees in the city of Washington or elsewhere who are drawing pay on two jobs, while several million of our citizens are unable to obtain one job.

Is it not about time that Congress takes action, so that those who, having one job for which they receive tax money, shall not be permitted to work at a second tax-paid job until the unemployed who are qualified and available have an opportunity to work?

The SPEAKER. Under a special order previously entered, the gentleman from California [Mr. LELAND M. FORD] is recognized for 20 minutes.

#### THE DEFENSE PROGRAM

Mr. LELAND M. FORD. Mr. Speaker, this morning, in reading the paper, I read an item which should give us all

some concern because it was indicated that some arms plants face seizure. It was stated that the President said yesterday that the Government was considering taking over two or three plants for arms manufacture because they had not been cooperating satisfactorily under the defense program.

Further discussing means of speeding lagging arms production, it was stated that no action had been taken as yet under the draft-industry law, but that some cases were under investigation.

It was also proposed to lease war materials to England.

In addition to this, Mr. Phillip Murray, president of the C. I. O., lays the delay and lag in the defense program to "rather stupid method."

These statements should vitally concern every Member of this House who has the national welfare at heart and the completion and fulfillment of our national-defense program.

Let us look at this situation as it is.

We all know that there apparently is not the proper correlation, coordination, and cooperation in our national-defense program.

We all know that this program has been sagging down and that it is at least 30 percent behind its original program of production.

I do not think that this is any time to discuss the lease of war materials to England, especially in view of the fact that we cannot get out enough production to take care of our own needs, much less those of England. I do not mean by this that we should not help England, but I am looking the matter squarely in the face and saying that the first thing we should do is to see that we get into production and produce something, first for ourselves, and then lease to England. If this wrangling, bickering, disputing, and contention over our national-defense program is not ironed out, there is not going to be anything for ourselves or England either. Therefore, I think our first duty is to devote our energies and everything that we have to seeing that this program is carried out.

Now, what will it avail the United States Government to take over industry, particularly if it, in turn, is going to meet the same kind of resistance, slow-down, bickering, contentious wrangling program as has been advanced by the C. I. O.?

We are not all juveniles and some of us at least still have the capacity to think. You all know where this bottleneck in our program lies. I think any fairminded man can point his finger fairly and squarely at the C. I. O. and their program of riot, contention, strife, and endeavor to stop our program. You all know that, according to the news, these people are now converging upon Washington under the banner of "keeping this country out of war."

I believe the great majority of this House is dead against this country going to war, and I am one of that majority, primarily because this country is not prepared for war. On the other hand, I do not believe that the primary motive of the C. I. O. is to come here to keep this country out of war, so much as it is to come here to see that they retain their full, undisturbed power over the program of national defense and to perpetuate themselves in that power.

I say to our Executive and the United States at large, that the finger has been pointed at industry and the lack of industrial cooperation, but the administration has failed to put its finger on the real cause—namely, the lust for power of the C. I. O. and the misapplication of the law under the N. L. R. B.

I put this fairly and squarely to the people of the United States as a whole, both Houses of Congress, and the administration, to step in and put the finger of blame where it properly belongs, on this C. I. O. group, and to immediately begin to clean house in its program and throw every one of these persons and organizations out of the picture. This having been done, a chairman of the national-defense program should be appointed and vested with power to coordinate and correlate this program as it should be, and obtain the cooperation of all parties concerned.

This should not have to be brought about by force, but I believe public sentiment demands that both business and industry, and the C. I. O., should show enough patriotic interest to preserve and protect this country.



Industry cannot produce if labor does not cooperate. I believe the average laboring man in this country is just as patriotic as any industrial owner, and that he is crying for the privilege of cooperating, and the great mass of labor in general will do the same thing. While we are willing and ready and thankful that this is the case, let it be understood at the same time that we are not going to close our eyes and become blinded to the fact that there is a minority group, headed by the C. I. O., who put their racket and racketeering methods ahead of the patriotic interests and welfare of this country.

It is also stated that these war materials, which it is hoped can be leased to England, could be subject to mortgage. I again say, that if no war materials are produced, there can be no mortgage on them, because you cannot place a mortgage on a thing that does not exist, and the first thing to do is to produce the materials.

I think another obligation is to fulfill our present program so far as our own needs are concerned. Then, on top of that, the administration should straighten out this mess, and if they want to help England, deliver to England 100 percent and on time, those things they have already ordered.

Miss SUMNER of Illinois. Mr. Speaker, will the gentleman yield?

Mr. LELAND M. FORD. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. I wish the gentleman would elucidate that point.

Mr. LELAND M. FORD. It just simply means this, that if there is no war material produced you cannot lease it and you cannot use it.

If they did not need them, they would not have ordered them. I think all this talk about finances, and generalization about what we are going to do away out in the future, is second to delivery of those things that are needed so badly right now.

I am further interested in Mr. Murray's statement on "stupidity." My answer to him is that the most stupid thing that has been done, all told, is to have placed the C. I. O. on the national-defense program. It is a question whether this should be first or second, and that the next most stupid thing that was done was to give so much consideration to that proven un-American C. I. O. group as they have had; this coddling of them, this pampering, this giving in to their every whim and wish in order that they may throw all other labor groups out of the window and destroy them, and then finally make a Communistic republic out of this country, the listening to them and the upholding of their destruction of the right of individual liberty—those things to me are the most stupid things that have been done, and that is Mr. Murray's answer.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. LELAND M. FORD. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The gentleman has noticed that Mr. Bridges has come east by plane. Has the gentleman learned whether he is going to Australia voluntarily or whether the Labor Department intends to deport him, or whether the Department of Justice intends to prosecute him, or what he is going to do?

Mr. LELAND M. FORD. No; Mr. Bridges came in here to go into consultation with Mr. Murray to further our program according to his interests. I wish that he had taken the direction the other way, to Australia, I hope that he takes it soon, and I hope this administration can see that.

I think Mr. Murray's further idea that he can come to Washington and put pressure on many Members is going to receive a rude shock, because I think the Members of Congress are now coming to see their duty so plainly that Mr. Murray will find his strong-arm methods are now out of date.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield?

Mr. LELAND M. FORD. I yield to the gentleman from Michigan.

Mr. WOLCOTT. I do not believe we should generalize too much on the C. I. O. in making these charges, because I know of hundreds of fine, hard-working, patriotic members of the

C. I. O. It is true that some of the leaders are subject to criticism, but I believe we should differentiate between those who would destroy labor within the C. I. O. and those who are just as honest in their motives as we are. Also I might add that I do not know what issue some of us would have if the Justice Department would take it into their hands to deport Harry Bridges. It seems to me we would not have anything to talk about then. One of these days they may double-cross us by deporting him, and then it would take an issue away from us.

Mr. LELAND M. FORD. I agree with the gentleman that there are many good, patriotic men within the group known as the C. I. O.

Mr. WOLCOTT. And women.

Mr. LELAND M. FORD. But the group to which I am directing my remarks is the racketeer, the highjacker, the un-American, the Communist group in the C. I. O., which is in the minority, but this minority is controlling the whole group. I am not directing my remarks to the patriotic individual who is the real American in the group. If Bridges is deported, his deportation will have a very salutary effect on others of his stripe. We will have plenty of issue with the remainder, as the gentleman well knows.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. LELAND M. FORD. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The gentleman does not wholly agree with the gentleman from Michigan [Mr. Wolcott] that if Harry Bridges was deported that would end all our troubles, does he? Because, for example, we would have this unemployment issue and we would still have this national bankruptcy and we would have the national-defense program and there would be quite a few things to attend to here.

Mr. LELAND M. FORD. That is true. There are many things beyond Harry Bridges, but it would be a very good start and I think his deportation would have a very salutary effect upon these racketeers in this country who are emulating Harry Bridges.

Mr. WOLCOTT. If the gentleman will yield, you cannot blame labor for our bankrupt condition. There is not much relativity between the bankrupt condition of the Federal Treasury and labor and, surely, labor should not be charged with that.

Mr. LELAND M. FORD. But if they increase the amount involved, it will have some effect. There is an increase now of \$250,000,000 in the airplane industry alone, and if that is increased we might find ourselves bankrupt because, after all, it is a quarter of a billion dollars they have asked in the airplane industry and they are going to act also in the lumber industry and the steel industry and in connection with the sawmills of the country, as well as the aluminum interests and every other industry they can lay their hands on.

Miss SUMNER of Illinois. And the farm industry.

Mr. LELAND M. FORD. And the farm industry, yes.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. LELAND M. FORD. I yield.

Mr. HOFFMAN. I understood the gentleman from Michigan [Mr. Wolcott] to say that if Harry Bridges were deported we might not have any issue. It is true there is no connection between Harry Bridges and national bankruptcy. We still have national bankruptcy, and we will have unemployment after Harry Bridges is gone, and we will have those questions, and I do not think the gentleman needs to worry about the millenium coming at once.

Mr. WOLCOTT. I am in favor of deporting Harry Bridges. I am equally in favor of it with the gentleman from California [Mr. LELAND M. FORD] and the gentleman from Michigan [Mr. HOFFMAN], but I think it is rather unfair to charge all C. I. O. members with being undesirables simply because there are one or two who should be kicked out of the country.

Mr. LELAND M. FORD. If the gentleman will permit, no one has ever charged anything like that.

Mr. WOLCOTT. It has been proven in the last 60 days that there are many good, hard-working American citizens in

the C. I. O. who are just as jealous of the preservation of the American form of government as you and I.

Mr. HOFFMAN. Will the gentleman yield for just one question?

Mr. LELAND M. FORD. I cannot yield further. If I were an attorney I would say to the gentleman from Michigan [Mr. Wolcott] that that question has been asked and answered.

Mr. HOFFMAN. No one has made any such charge as the gentleman from Michigan [Mr. Wolcott] has suggested here, that all C. I. O. are unpatriotic. No one has dreamed of doing that.

Mr. WOLCOTT. The gentleman understands that I have not charged the gentleman from Michigan or the gentleman from California with making that statement. Of course, I would not want anything I have said to be interpreted as meaning that either of the gentleman has made that charge.

Mr. LELAND M. FORD. I do not like Mr. Murray's calling into the C. I. O. conferences such men as Harry Bridges, to go over what he terms "routine organization matters." You all know who Bridges is and what he is, but I am going to handle this at a different date.

It is reported that the President stated, "It is for the Commission to keep everlastingly at the problem and keep pushing people." I agree with him in his general statement, but ask for their cooperation, but I certainly believe he should get in and "push the C. I. O. around," and see that they adopt American methods and work for our American ideals and our national defense and see that their racket of profiteering on national defense is pushed out of the country.

Mention has been made of the "silly foolish dollar sign." I am rather sorry to see our American dollar termed in this way, for, after all, it is the American dollar that must pay for these things. If it was not for the billions of dollars that Congress voted, at the President's request, to carry out this program, we would have no national defense at all, and, unfortunately, that same dollar must again be thrown in the face of the American taxpayers to pay for this whole program, and it is going to be a hard, heavy load for them to assume. I believe that our people are patriotic enough to make any sacrifice in dollars to make this country safe, regardless of how heavy it may be, but at the same time, I believe it is the opinion of the great American people that they do not want those dollars wasted, either in uncalled-for excess profits on the part of industry, nor in excess payments to racketeers for the C. I. O. racket. It is the American dollar that is today making this program possible.

I yield to no man in support of the President in a real program for defense, and I feel that I am supporting him in his defense program in pointing out to him the bottleneck in the whole program, and in putting my finger on the delay caused by the C. I. O.

With reference to the 40-hour week, we all know that the supervisorial and executive ends of all these positions are working hours and hours overtime, for which they receive nothing extra.

We all know, too, that there is a limited number of men in the skilled and precision division of this work, and that it takes a long time to train others in these same capacities. Therefore, is it not reasonable, in this emergency—and it is an emergency—to work longer than 40 hours a week? Is it also not only reasonable to think that it would be better to work 40 hours a week than to meet final destruction because we would not work, the same as they did in France? Is it also not reasonable to believe that, if the man-power of this country can be drafted and taken into a program, and these same men can accept this in a patriotic spirit, that the C. I. O. can be at least reasonable enough to defer their unpatriotic demands to the welfare of the country?

I think it is our duty, for every single one of us in this Congress, to see that no special interest destroys the program that we have appropriated the billions of dollars for. I think it is our further duty to see that every dollar of this goes into national defense and is properly spent, and none of it is diverted, either for excess profits to industry, or excess profits to C. I. O. racketeers. [Applause.]

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield? Mr. LELAND M. FORD. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I was very much interested in what the gentleman had to say about manufacturing goods and lending them to England. I hope the gentleman will bring out the fact that the goods we propose to lend are military products or wartime goods and as I understand the press reports this morning, the President proposes that we are to receive back in payment for these wartime goods, peacetime goods. I hope somebody sometime will develop from the administration what Australia, Canada, New Zealand, and British Africa are doing with reference to supplying peacetime goods to the buying customers of the world while this war is being prosecuted and while we channel all of our labor and manufacturing ability into the production of wartime goods to be sent to England.

In other words, it seems to me that the President is now proposing that we borrow the money with which to produce these goods at the present time to be loaned to England and, subsequently, that we forfeit our internal markets to England so that she may ship back dollar value of peacetime goods, closing our factories and throwing our people out of work as, when, and if the hostilities cease. Would the gentleman mind commenting on that?

Mr. LELAND M. FORD. I think we have to look forward to the time when those manufactured products begin to flow into this country from England and to think what might happen to us.

The SPEAKER. The time of the gentleman from California has expired.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. THOMAS F. FORD, for the balance of the session, on account of sickness in family.

To Mr. CELLER, indefinitely, on account of illness.

To Mr. MILLS of Arkansas (at the request of Mr. CRAVENS), for today, on account of business.

#### ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p. m.) the House adjourned until tomorrow, Thursday, December 19, 1940, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2072. A letter from the Secretary of Agriculture, transmitting draft of a proposed bill to amend section 32 of an act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes," approved August 24, 1935, as amended, and to encourage the exportation of agricultural commodities or products thereof, and for other purposes; to the Committee on Agriculture.

2073. A letter from the Acting Secretary of the Interior, transmitting a report covering expenditures made from the appropriation "Education of Natives of Alaska, 1939-41"; to the Committee on Expenditures in the Executive Departments.

2074. A letter from the Chairman, Federal Communications Commission, transmitting a letter with respect to the subject of whether or not any new wire or radio communication legislation is required better to insure safety of life and property pursuant to the second proviso of section 4 (k) of the Communications Act of 1934, as amended; to the Committee on Merchant Marine and Fisheries.

2075. A letter from the Chairman, Federal Communications Commission, transmitting report of the Commission on the special study of the radio requirements necessary or desirable for safety purposes for ships navigating the Great Lakes and the inland waters of the United States; to the Committee on Merchant Marine and Fisheries.



2076. A letter from the Veterans of Foreign Wars, transmitting report of the national officers of the Veterans of Foreign Wars; to the Committee on Military Affairs.

2077. A letter from the Secretary of State, transmitting official notice pursuant to section 160, title 5, United States Code, of the ratification of the first 10 amendments to the Constitution of the United States by the States of Massachusetts, Connecticut, and Georgia; to the Committee on the Judiciary.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TABER:

H. R. 10735. A bill to provide for the more expeditious and efficient procurement of the national-defense needs of the Army and Navy; to the Committee on Military Affairs.

By Mr. MARTIN J. KENNEDY:

H. Res. 645. Resolution creating a select committee of the House of Representatives to be known as the Committee on Peace; to the Committee on Rules.

### SENATE

THURSDAY, DECEMBER 19, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O Father of lights, who sometimes makest us to be glad in the midst of sighs and tears: Even as the world sighs and weeps, we beseech Thee to fill our hearts with the holy joy of Christmas as again we hear the song of angels and the antiphon of a mother's lullaby, crooned to her blessed Child. Grant to us all that in true humility we may be clothed with the garments of innocence as we commemorate the birth of Him who abhorred not our flesh but was content to be born of the Virgin Mary. We bless Thee for the dawning of the light in Bethlehem's manger, when in the fullness of time Thou didst gather Thy light into life, so that even simple folk could see Jesus, the star of the morning; Jesus, the light of the world. May this light be about us and our children from the cradle to the grave, that we may be numbered among those farsighted souls who from the mountaintops of vision herald the coming of the day and bear aloft the torch of purity and truth, to the ushering in of peace and good will to men. We ask it in the name of the blessed Christ Child. Amen.

#### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, December 16, 1940, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolutions:

On December 6, 1940:

S. 4373. An act to amend the act of June 25, 1938, entitled "An Act extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes."

On December 16, 1940:

S. 3765. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg., and for other purposes;

S. 3934. An act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of

bridges, causeways, and approaches thereto, across the St. Marys River, from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada;

S. 4135. An act to legalize the construction of the State highway board of Georgia of a free highway bridge across the Withlacoochee River, between Valdosta, Ga., and Madison, Fla., at Horns Ferry;

S. 4370. An act authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties; and

S. J. Res. 306. Joint resolution extending the time for submitting the final report of the Temporary National Economic Committee.

On December 17, 1940:

S. J. Res. 302. Joint resolution authorizing the President to invite foreign countries to participate in the Pan American Cotton Congress.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5336) for the relief of Peter Bavisotto.

The message also announced that the House had passed a bill (H. R. 10712) to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss., in which it requested the concurrence of the Senate.

The message further announced that the House having proceeded to reconsider the bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes, returned by the President of the United States with his objections to the House of Representatives, in which it originated, it was

*Resolved*, That the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

#### SENATOR FROM WASHINGTON

Mr. BARKLEY. Mr. President, I have here a telegram from the former Senator from Washington, Mr. Schwellenbach, advising the Senate of his resignation from this body because of his appointment to the bench. I also have a telegram from Hon. Clarence D. Martin, Governor of Washington, announcing the appointment of Hon. Mon C. WALLGREN to the vacancy created by the resignation of Senator Schwellenbach, Mr. WALLGREN having been recently elected for the full term of 6 years beginning January 3, 1941. I ask that these telegrams be read to the Senate, and that following them the Senator-designate be permitted to take the oath of office.

The telegram from Governor Martin states that the commission is on its way by air mail, but it has not yet reached here. Under those circumstances it is customary to have Senators sworn in.

The PRESIDENT pro tempore. The telegrams will be read.

The legislative clerk read the telegrams, as follows:

SPOKANE, WASH., December 16, 1940.

Col. EDWIN HALSEY,

Secretary, United States Senate:

Simultaneously with this telegram, I am submitting the following telegram to Clarence D. Martin, Governor of the State of Washington, at Olympia, Wash.:

"I herewith submit my resignation as United States Senator from the State of Washington. This resignation to be effective 12 o'clock noon, Pacific standard time, December 16, 1940."

L. B. SCHWELLENBACH,  
United States Senator.

OLYMPIA, WASH., December 18, 1940.

Hon. EDWIN A. HALSEY,

Secretary, United States Senate:

I have today appointed Mon C. WALLGREN to fill the unexpired term of Lewis B. Schwellenbach in the United States Senate. I trust you will regard this notification as sufficient credentials for induction. Official certificate of appointment air mail you today.

CLARENCE D. MARTIN,  
Governor of Washington.

The PRESIDENT pro tempore. The telegrams will be placed on file.